

JOURNAL
OF
THE INDIANA STATE SENATE,
DURING THE
THIRTY-FIRST SESSION
OF THE
GENERAL ASSEMBLY,
COMMENCING
DECEMBER 7, 1846.

INDIANAPOLIS:
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1846.

JOURNAL
OF
THE SENATE OF INDIANA.

The Thirty-First Session of the General Assembly of the State of Indiana, begun and held at the Capital, in the City of Indianapolis, on Monday the Seventh day of December, in the year of Our Lord one thousand eight hundred and forty-six.

The Hon. JAMES G. READ, President *pro tem.* of the Senate, took the Chair, and directed a call of the Senators whose offices were not vacated since the last session; whereupon,

The following of whom appeared and took their seats:

*From the counties of Greene and Owen—*John F. Allison.

*From the counties of Monroe and Brown—*William Berry.

*From the county of Ripley—*Henry J. Bowers.

*From the county of Wayne—*Abner M. Bradbury and David P. Holloway.

*From the county of Vermillion—*Issac Chenowith.

*From the county of Parke—*William G. Coffin.

*From the counties of Boone and Hamilton—*William W. Conner.

*From the counties of Elkhart, Kosciusko, and Whitley—*Abraham Cuppy.

*From the counties of Gibson, Pike, and Dubois—*Benjamin R. Edmonston.

*From the counties of Scott and Jackson—*Elisha G. English.

*From the county of Jefferson—*Samuel Goodenow.

From the county of Lawrence—Hugh Hamer.
From the county of Putnam—Ambrose D. Hamrick.
From the county of Shelby—Augustus C. Handy.
From the county of Johnson—Franklin Hardin.
From the counties of Warrick, Perry, and Spencer—Mason J. Howell.
From the counties of Madison and Hancock—Andrew Jackson.
From the county of Washington—Ezekiel D. Logan.
From the counties of Orange and Crawford—Houston Miller.
From the county of Rush—Jesse Morgan.
From the counties of Jasper, Pulaski, and White—William G. Montgomery.
From the county of Henry—Eli Murphey.
From the county of Morgan—Parmenter M. Parks.
From the county of Clark—James G. Reed.
From the counties of Allen, Adams, Wells, and Huntington—William Rockhill.
From the county of Hendricks—Samuel A. Verbrike.
From the county of Harrison—John Zenor.

The following Senators, elected since the last session of the General Assembly, appeared and produced their credentials, to whom the oath of office was administered by the Hon. John W. Wright, as required by the Constitution, and whereupon they took their seats, viz:

From the county of Montgomery—John Beard.
From the county of Franklin—George Berry.
From the counties of Daviess and Martin—Richard A. Clements.
From the county of Fountain—Joseph Coates.
From the county of Floyd—John S. Davis.
From the counties of St. Joseph, Marshall, and Fulton—Lot Day.
From the counties of Switzerland and Ohio—Martin R. Green.
From the counties of Vigo, Sullivan, and Clay—James H. Henry.
From the counties of Noble, Steuben, and DeKalb—Madison Marsh.
From the county of Dearborn—James P. Milliken.
From the counties of Randolph, Blackford, and Jay—Dixon Milligan.
From the county of Tippecanoe—Godlove S. Orth.
From the counties of Laporte, Porter, and Lake—Andrew L. Osborn.
From the county of Decatur—Joseph Robinson.
From the counties of Fayette and Union—Henry Simpson.
From the county of Marion—William Stewart.
From the counties of Posey and Vanderburgh—William H. Stockwell.
From the counties of Cass, Miami, and Wabash—Cyrus Taber.
From the counties of Carroll and Clinton—Phillip Waters.

On motion by Mr. Parks,
 The Senate proceeded to the election of a Principal Secretary;
 Messrs. Parks and Orth acting as tellers. Upon the first balloting,

John R. Jones received	-	-	-	-	-	-	-	16 votes.
Jacob B. Lowe received	-	-	-	-	-	-	-	5 votes.
Benedict B. Taylor received	-	-	-	-	-	-	-	21 votes.
Charles H. Test received	-	-	-	-	-	-	-	3 votes.
Blank,	-	-	-	-	-	-	-	1 vote.

No one having received a majority of all the votes given, the Senate proceeded to a second balloting. Upon which,

John R. Jones received	-	-	-	-	-	-	-	16 votes.
Benedict B. Taylor received	-	-	-	-	-	-	-	21 votes.
Charles H. Test received	-	-	-	-	-	-	-	5 votes.
Jacob B. Lowe received	-	-	-	-	-	-	-	4 votes.
Scattering,	-	-	-	-	-	-	-	1 vote.

No one having received a majority of all the votes given, the Senate proceeded to a third balloting. Upon which,

John R. Jones received	-	-	-	-	-	-	-	18 votes.
Benedict B. Taylor received	-	-	-	-	-	-	-	21 votes.
Jacob B. Lowe received	-	-	-	-	-	-	-	3 votes.
Charles H. Test received	-	-	-	-	-	-	-	2 votes.
C. F. Cruft received	-	-	-	-	-	-	-	1 vote.
Blank,	-	-	-	-	-	-	-	1 vote.

No one having received a majority of all the votes given, the Senate proceeded to a fourth balloting. Upon which,

John R. Jones received	-	-	-	-	-	-	-	21 votes.
Jacob B. Lowe received	-	-	-	-	-	-	-	3 votes.
Charles H. Test received	-	-	-	-	-	-	-	1 vote.
C. F. Cruft received	-	-	-	-	-	-	-	21 votes.
Blank,	-	-	-	-	-	-	-	1 vote.

No one having received a majority of all the votes given, the Senate proceeded to a fifth balloting. Upon which,

John R. Jones received	-	-	-	-	-	-	-	21 votes.
C. F. Cruft received	-	-	-	-	-	-	-	22 votes.
Jacob B. Lowe received	-	-	-	-	-	-	-	3 votes.
Charles H. Test received	-	-	-	-	-	-	-	1 vote.
Blank,	-	-	-	-	-	-	-	1 vote.

No one having received a majority of all the votes given, the Senate proceeded to a sixth balloting. Upon which,

C. F. Craft received	- - - - -	21 votes.
John R. Jones received	- - - - -	21 votes.
Jacob B. Lowe received	- - - - -	4 votes.
Blank,	- - - - -	1 vote.

No one having received a majority of all the votes given, the Senate proceeded to a seventh balloting. Upon which,

John R. Jones received	- - - - -	24 votes.
Jacob B. Lowe received	- - - - -	2 votes.
Richard Rosseau received	- - - - -	20 votes.
Blank,	- - - - -	1 vote.

John R. Jones having received a majority of all the votes given, was declared duly elected Principal Secretary of the Senate, and was sworn into office by the Hon. John W. Wright.

On motion by Mr. Howell,

The Senate proceeded to the election of an Assistant Secretary; Messrs. Howell and Davis acting as tellers. Upon the first balloting,

Millikin Franklin received	- - - - -	3 votes.
Francis P. Bradley received	- - - - -	3 votes.
John T. Morrison received	- - - - -	11 votes.
Francis Emerson received	- - - - -	3 votes.
S. W. Robinson received	- - - - -	20 votes.
William F. Hutchen received,	- - - - -	3 votes.
Albertson received	- - - - -	1 vote.
Morris received	- - - - -	1 vote.
Blank	- - - - -	2 votes.

No one having received a majority of all the votes given, the Senate proceeded to a second balloting. Upon which,

Riley received	- - - - -	2 votes.
Robinson received	- - - - -	19 votes.
Bradly received	- - - - -	2 votes.
Morrison received	- - - - -	9 votes.
Emerson received	- - - - -	3 votes.
Hutchen received	- - - - -	2 votes.
Albertson received	- - - - -	4 votes.
Morris received	- - - - -	1 vote.
Millikin Franklin received	- - - - -	4 votes.
Blank,	- - - - -	1 vote.

No one having received a majority of all the votes given, the Senate proceeded to a third balloting. Upon which,

Robinson received	- - - - -	19 votes.
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Morrison received	- - - - -	10 votes.
Albertson received	- - - - -	4 votes.
Franklin received	- - - - -	4 votes.
Riley received	- - - - -	4 votes.
Bradly received	- - - - -	3 votes.
Emerson received	- - - - -	2 votes.
Jacob B. Lowe received	- - - - -	1 vote.
Mr. Robinson withdrawn.		

No one having a majority of all the votes given, the Senete proceeded to a fourth balloting. Upon which,

Morrison received	- - - - -	10 votes.
Albertson received	- - - - -	19 votes.
Millikin Franklin received	- - - - -	3 votes.
Riley received	- - - - -	4 votes.
Bradly received	- - - - -	2 votes.
Emerson received	- - - - -	5 votes.
Jacob B. Lowe received	- - - - -	2 votes.
Blank,	- - - - -	2 votes.

No one having received a majority of all the votes given, the Senate proceeded to a fifth balloting. Upon which,

Morrison received	- - - - -	11 votes.
Albertson received	- - - - -	19 votes.
Franklin received	- - - - -	3 votes.
Riley received	- - - - -	1 vote.
Bradly received	- - - - -	3 votes.
Emerson received	- - - - -	7 votes.
Jacob B. Lowe received	- - - - -	2 votes.
Charles H. Test received	- - - - -	1 vote.
Blank,	- - - - -	1 vote.

No one having received a majority of all the votes given, the Senate proceeded to a sixth balloting. Upon which,

Morrison received	- - - - -	7 votes.
Albertson received	- - - - -	16 votes.
Franklin received	- - - - -	2 votes.
Riley received	- - - - -	5 votes.
Bradly received	- - - - -	5 votes.
Emerson received	- - - - -	7 votes.
Lowe received	- - - - -	2 votes.
Ferguson received	- - - - -	1 vote.
Test received	- - - - -	1 vote.
R. J. Conn received	- - - - -	1 vote.

No one having a majority of all the votes given, the Senate proceeded to a seventh balloting. Upon which,

Morrison received	- - - - -	5 votes.
Charles P. Ferguson received	- - - - -	13 votes.
Milikin Franklin received	- - - - -	2 votes.
Riley received	- - - - -	5 votes.
Bradley received	- - - - -	6 votes.
Emerson received	- - - - -	7 votes.
Lowe received	- - - - -	5 votes.
Test received	- - - - -	4 votes.

On motion by Mr. Edmonston,
The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

No one having received a majority of all the votes for the office of Assistant Secretary, the Senate proceeded to an eighth balloting. Upon which,

Peter Daggey received	- - - - -	10 votes.
Morrison received	- - - - -	15 votes.
Bradley received	- - - - -	3 votes.
Emerson received	- - - - -	5 votes.
Riley received	- - - - -	1 vote.
Lowe received	- - - - -	9 votes.
Test received	- - - - -	3 votes.
Franklin received	- - - - -	1 vote.

Mr. Emerson withdrawn.

No one having received a majority of all the votes given, the Senate proceeded to a ninth balloting. Upon which,

Jacob B. Lowe received	- - - - -	16 votes.
Morrison received	- - - - -	15 votes.
Bradley received	- - - - -	5 votes.
Emerson received	- - - - -	4 votes.
Daggey received	- - - - -	6 votes.
Test received	- - - - -	1 vote.

Mr. Daggey withdrawn.

No one having received a majority of all the votes given, the Senate proceeded to a tenth balloting. Upon which,

Jacob B. Lowe received	- - - - -	21 votes.
Morrison received,	- - - - -	16 votes.
Bradley received	- - - - -	5 votes.
Emerson received	- - - - -	2 votes.
Test received	- - - - -	1 vote.
Rosseau received	- - - - -	1 vote.
Scattering,	- - - - -	1 vote.

No one having received a majority of all the votes given, the Senate proceeded to an eleventh balloting. Upon which,

Jacob B. Lowe received	- - - - -	25 votes.
Morrison received	- - - - -	19 votes.
Blank,	- - - - -	3 votes.

Mr. Bradley withdrawn.

Jacob B. Lowe having received a majority of all the votes given, was declared duly elected Assistant Secretary of the Senate, and was sworn into office by the Hon. John W. Wright.

On motion by Mr. Logan,

The Senate proceeded to the election of a Doorkeeper; Messrs. Murphey and Logan acting as tellers. Upon the first balloting,

Geo. W. McGlochlin received	- - - - -	16 votes.
T. D. Miller received	- - - - -	11 votes.
Clark received	- - - - -	2 votes.
Bascom received	- - - - -	2 votes.
Payne received	- - - - -	10 votes.
Hanks received	- - - - -	3 votes.
Ball received	- - - - -	2 votes.
Blank,	- - - - -	1 vote.

No one having received a majority of all the votes given, the Senate proceeded to a second balloting. Upon which,

McGlochlin received	- - - - -	19 votes.
Miller received	- - - - -	14 votes.
Clark received	- - - - -	2 votes.
Payne received	- - - - -	6 votes.
Hanks received	- - - - -	1 vote.
Ball received	- - - - -	2 votes.
Blank,	- - - - -	2 votes.
Scattering,	- - - - -	1 vote.

Mr. Payne withdrawn.

No one having received a majority of all the votes given, the Senate proceeded to a third balloting. Upon which,

McGlochlin received	- - - - -	- 23 votes.
Miller received	- - - - -	- 19 votes.
Clark received	- - - - -	- 2 votes.
Hanks received	- - - - -	- 1 vote.
Payne received	- - - - -	- 1 vote.
Blank,	- - - - -	- 1 vote.

No one having received a majority of the whole number of votes given, the Senate proceeded to a fourth balloting. Upon which,

McGlochlin received	- - - - -	- 22 votes.
Miller received	- - - - -	- 21 votes.
Clark received	- - - - -	- 2 votes.
Ball received	- - - - -	- 1 vote.
Blank, -	- - - - -	- 1 vote.

No one having received a majority of all the votes given, the Senate proceeded to a fifth balloting. Upon which,

McGlochlin received	- - - - -	- 18 votes.
Miller received	- - - - -	- 28 votes.
Blank,	- - - - -	- 1 vote.

Thomas D. Miller having received a majority of all the votes given, was declared duly elected Doorkeeper, and was sworn into office by the Hon. John W. Wright.

On motion by Mr. Hamrick,

Resolved, That the Secretary of the Senate inform the House of Representatives that the Senate have convened, formed a quorum, elected John R. Jones, Principal Secretary, Jacob B. Lowe, Assistant Secretary, and T. D. Miller, Doorkeeper, and are now ready to proceed to legislative business.

Mr. Holloway offered the following resolution:

Resolved, That the editors and reporters of newspapers published in this State, who are or may be in attendance during the present session of the General Assembly, be permitted to occupy seats within the bar of the Senate, to be appropriated to them by the President of the Senate, for the purpose of reporting proceedings for their respective papers.

Which was adopted.

On motion by Mr. Hamer,
The Senate adjourned.

TUESDAY MORNING, DECEMBER 8, 1846.

The Senate assembled.

The journal of the preceding day was read.

Mr. Ellis, from the county of Knox, appeared and took his seat.

Mr. Berry of Monroe offered the following resolution:

Resolved, That the standing rules in force for the government of the Senate during the last session, be adopted for its government during the present session.

Which was adopted.

Mr. Parks offered the following resolution:

Resolved, That the Public Printer be instructed to furnish as soon as convenient, for the use of the Senate, one hundred copies of the of the standing rules and orders for the government of and conducting business in the Senate.

Which was adopted.

The following message was received from the House of Representatives, by Mr. Ward, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have convened, formed a quorum, elected Robert N. Carnan, Speaker, M. Selden Ward, Principal Clerk, Francis M. Williams, Assistant Clerk, Napoleon B. Markle, Doorkeeper, and are now ready to proceed to legislative business.

Mr. Logan offered the following resolution:

Resolved, That the Doorkeeper of the Senate be authorized to furnish each member of the Senate with a copy of the Revised Statutes, a copy of the journals of the last session of the Senate, a copy of the laws of the last session of the Legislature, from the State Library, and to return the same to the said library at the adjournment of the present session of the Legislature.

Which was adopted.

Mr. Hamrick offered the following resolution:

Resolved, That the joint rules which were in force for the government of the General Assembly at the last session, be adopted by the Senate as the rules of joint action for the present session, and that the House of Representatives be informed thereof, and its concurrence respectfully requested therein.

Which resolution was adopted.

The following messages were received from the House of Representatives, by Mr. Ward, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have adopted the following resolution:

Resolved, That a committee of two be appointed on the part of the House, to act with a similar committee on the part of the Senate, to respectfully request the Rev. Mr. Beecher to attend in the Hall of Representatives, to-morrow morning, at 10 o'clock, to address the throne of grace by prayer, on behalf of this General Assembly, and that the Senate be requested to reciprocate this resolution; and that seats be provided for them on the right of the Speaker's chair.

And that Messrs. Thompson and Fuller have been appointed said committee on the part of the House.

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have adopted the following resolution:

Resolved, That a committee of two be appointed on the part of the House, together with a similar committee on the part of the Senate, to wait upon his Excellency the Governor, and inform him that the General Assembly are now ready to receive any communication that he may be pleased to make; and that the Senate be informed thereof.

And that Messrs. Miller and Stanfield have been appointed said committee on the part of the House.

Mr. Logan offered the following resolution:

Resolved, That a committee of two be appointed on the part of the Senate, to act with a similar committee on the part of the House, to wait upon his Excellency the Governor, and know at what time it will suit his convenience to make his annual communication to the two Houses of the General Assembly.

Which was adopted;

And Messrs. Logan and Clements were appointed said committee on the part of the Senate.

The following message was received from the House of Representatives, by Mr. Ward, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have reciprocated the resolution of the Senate, adopting the joint rules of the last session for the government of the joint action of the two Houses during the present session.

Mr. Orth offered the following resolution:

Resolved, That the State Librarian be directed to cause a suitable railing to be erected between the hall and lobby of the Senate chamber.

Mr. Berry of Franklin moved to lay said resolution upon the table;

Which motion did not prevail.

The resolution was then adopted.

Mr. Holloway offered the following resolution:

Resolved, That the Doorkeeper be, and he is hereby authorized and directed to contract with the proprietors of the Indiana State Journal, and the proprietors of the Indiana State Sentinel, for the delivery, during the present session, of three copies of their respective tri-weekly papers, separately enveloped, to the President of the Senate, and to each Senator and Secretary, at a price not exceeding fifty cents per copy.

Which was adopted.

On motion,

The Senate adjourned until 2 o'clock P. M.

2 o'clock, P. M.

Senate met.

Mr. Handy moved to reconsider the vote adopting the resolution providing for the taking of a certain number of newspapers;

Which motion prevailed.

Mr. Parks moved to amend said resolution by striking out "fifty cents," and inserting in lieu thereof "the subscription price;"

Pending which amendment,

Mr. Logan moved to lay said resolution and amendment on the table;

Which motion prevailed.

Mr. Logan, from the committee on the part of the Senate, appointed to wait on his Excellency the Governor, made the following report:

MR. PRESIDENT:

The joint committee, consisting of two Senators and two members of the House of Representatives, appointed to wait upon his Excellency the Governor, and inform him that the two Houses of the General Assembly were duly organized, and were ready to receive

any communication he might be pleased to make to them, and to report to their respective Houses at what time he would make such communication, have directed me to report to the Senate, that they have discharged the duty assigned them. The committee were informed by his Excellency that he would, on this day, at half past two o'clock, P. M., in the Hall of the House of Representatives, communicate his annual message to the General Assembly.

The following message was received from the House of Representatives, by Mr. Ward, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have adopted the following resolution:

Resolved, That the House will, the Senate concurring therein, proceed on this day at 3 o'clock, P. M., to open and count the vote cast for Governor and Lieutenant Governor, in this State, at the last annual election.

Mr. Logan moved to lay said message on the table;

Which motion did not prevail.

Mr. Berry of Monroe moved to reciprocate said resolution, with an amendment thereto, fixing the time for said counting of votes at half past three o'clock, instead of three o'clock;

Which motion prevailed.

The following message was received from the House of Representatives, by Mr. Ward, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have adopted the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives *instanter*, to hear the message of his Excellency the Governor, and that seats be prepared for them on the right of the Speaker's chair.

Whereupon the Senate repaired to the Hall of the House of Representatives, and after receiving the following message from his Excellency the Governor, returned to their chamber:

Gentlemen of the Senate

and of the House of Representatives:

In assembling in obedience to the requirements of the constitution, to discharge the important trusts placed in our hands by our confiding fellow citizens, the expression of our hearty thanks is due to Divine Providence for the signal blessings with which he has crowned the year.

Agricultural industry—the great source of our prosperity,—has been rewarded with abundant crops, and rational enterprise has been crowned with merited success. Although our people, in common with those of most of the other States, have, during the past season, been afflicted with sickness to an unusual extent, yet the number of deaths has been comparatively small, and the smiles of returning health have again gladdened our hearths.

It is gratifying to state, that the condition of our finances still continues to improve.

The ordinary expenses of the Government for the fiscal year ending on the 31st of October last, were \$69,136 59, being \$1,985 70 less than those of the preceding year.

The ordinary expenses for 1847 are estimated by the Auditor in his report herewith submitted, at \$67,400.

The number of polls returned for 1846, (estimating for the counties of Benton, Crawford, Jackson, Pulaski and Spencer, from which returns have not yet been received,) are 126,969, being an increase of 2,251 over that of the preceding year.

The value of taxable property returned for 1846 (estimating for the same counties,) is \$122,265,686, being an increase of \$3,395,435 over that of last year.

The amount of revenue paid into the State Treasury during the last fiscal year, is \$293,861, being nearly \$14,000 more than was estimated by the Auditor in his report for 1845. No doubt exists that ample funds will be in the Treasury, under the present assessment and rate of taxation to meet the July payment required by the State debt bill of last session, should that go into operation.

A strong proof of the growing prosperity of the State, is afforded in the progressive diminution of the rate of delinquency for the last three years. The rate for 1843, was \$17 34 on the hundred; for 1844, it was \$16 86 on the hundred; and 1845, it was \$15 18 on the hundred.

The assessment for 1846 is, for State purposes, \$418,917 95; and for county, road, school and township purposes collectively, \$473,788 82. Add to these sums, the delinquencies of former years, \$102,598 01, and the total amount of the duplicates for 1846 is \$995,304 78.

While the growing prosperity of the people, and the improving finances of the State, as shown in the above exhibit, are subjects of

heartfelt congratulation, it is earnestly hoped and recommended that the same maxims of economy, of industry and frugality, under which our condition is, of late, so much improved, will continue to be rigidly observed.

The recent change of policy, made in accordance with the spirit of the age, in the United States and Europe, by which the shackles heretofore imposed upon trade and industry have been struck off, is cause of profound gratification to the statesman, the patriot, the philanthropist, and to the millions in our own country, who, living by the labor of their hands, are desirous of buying in the cheapest and selling in the dearest market. This relaxation of the misnamed protective system will be especially favorable to the people of Indiana, for the products of whose labor, mostly drawn from the earth, they are offered by this means a wider and better market than they have ever enjoyed. Should this beneficent change be suffered to continue, the opinion is confidently expressed that the far greater degree of prosperity, which the great mass of the people will enjoy, in consequence, will forever prevent a reinstatement of the restrictive policy in our country.

In relation to the proposed arrangement for the payment of the State debt, and the completion of the Wabash and Erie Canal, as authorized by the act which was passed at the last session of the Legislature, I have the satisfaction to state that a letter was received by me in the early part of July last, from Mr. Palmer of London, bearing date the thirtieth of May, 1846, enclosing a copy of two resolutions of that date, which had been adopted by the committee of bondholders in London, under whose authority Mr. Charles Butler had acted in submitting propositions in their behalf, resulting in the passage of the bill in question. In these resolutions, (which with Mr. Palmer's letter are herewith submitted), it will be seen that the opinion is expressed, that it will be for the interest of the bondholders to concur in the principle of that arrangement, by the payment of one-half of the principal and interest of the debt by taxation, and the other half by the property and tolls of the canal, from the State line adjoining Ohio to Evansville; such property to be assigned to three trustees, and the State to be freed from responsibility on that portion of the debt and interest so to be secured.

It thus appears, that the principle of the proposed arrangement has received the assent of the committee of bondholders, while within the sphere of my own observation, and so far as my information extends, the expression of the great majority of our citizens is also decidedly in its favor.

Steps have been taken to carry the act into effect on the part of our bondholders, and I am gratified in being able to state, that parties holding bonds to the amount of more than \$4,000,000, are ready to surrender them in conformity with the principle of the arrangement. From information derived from the agent of the

bondholders, who is now in attendance, it would seem that certain modifications of the bill of last session, are desired on their part.

The proposed modifications have not yet been submitted to my inspection; but I am informed that they do not conflict with the principle of the bill, and yet are deemed essential for carrying into full effect its fair and obvious intent. They will be submitted at an early day for the consideration of the General Assembly. Any modifications required for the success or efficiency of an arrangement, so eminently conducive to the prosperity of the people, and to the honor and reputation of the State, and which will not vary its principles, nor add to the burthens of the people, will, it is believed, be but responsive to their will, and I trust will receive your favorable action.

After repeated attempts on the part of the United States for an honorable adjustment of all existing differences with the Mexican government, consisting in part, of the accumulated wrongs and injuries committed on citizens of the United States, in their persons and property, for more than twenty years, our amicable relations with that power were suddenly terminated on the 24th of April last, by the invasion of our territory by a Mexican force, and the shedding of the blood of our own citizens upon our own soil.

This event was duly communicated to Congress by the President of the United States on the 11th of May last, for the consideration of that branch of the government, which by a vote nearly approaching to unanimity, passed an act approved on the 13th of the same month, recognizing the war thus commenced on the part of Mexico, as existing between the two powers, and authorizing the President to call for and accept the services of any number of volunteers, not exceeding 50,000, for its speedy and energetic prosecution.

By a communication from the Secretary of War, dated the 16th of the same month, and received late in the evening of the 21st, enclosing a copy of the act referred to, I was requested on the part of the President, to call for three regiments from this State, to serve as infantry or riflemen, and to cause them to be organized at the earliest practicable period, preparatory to their being moved towards the seat of war. In compliance with this request, my proclamation dated the 22d of May was issued, inviting our citizen soldiers to repair to the standard of their country.

This call found our citizens peacefully engaged in their ordinary pursuits, scarcely dreaming of this invasion of our soil by a foreign foe, how faithless soever, past events had shown that foe to be. Our military organization, during a peace of thirty years, was broken up and in ruins. No funds had been provided by law to be advanced to the volunteers, before they should reach the place of rendezvous, either for clothing, for provisions, or for the expenses of transportation. It is true, the United States had made ample provision for each of these objects, but payment could not be made to volunteers until they should be inspected and mustered into the ser-

vice. What the volunteer stood in need of, therefore, was a friendly hand to advance to him, or to the proper officer for his use, the amount of these necessary expenses, until, being accepted into the service of the United States, he should receive from the paymaster, his due allowance for these expenses, out of which he would thus be enabled to replace the money advanced for his benefit.

Such were a few of the obstacles that, according to the predictions of some, threatened to prevent the raising by the time required, of Indiana's quota of troops.

But these and all other difficulties were met and overcome, principally from the ranks of our young men, who are their country's defence in the hour of danger, and its pride and hope in time of peace. They flew to the standard of their country with an alacrity and an enthusiasm that challenge our admiration, and prove that when allowed to share in the perils of the battle field, their bravery is destined to shed an additional lustre on the brilliant victories which have already crowned our arms. By the 10th of June, only eighteen days from the issuing of the proclamation, the whole thirty companies were reported to the Executive, and within a few days after, twenty-two additional companies were offered, ready for service. Their disappointment was great, when informed that the requisition was already full, and that the services of no more troops could be received from Indiana. Many other companies, in various parts of the State, and in different stages of organization, were, much to their regret, compelled to disband on the receipt of this intelligence.

Our three regiments were concentrated at New Albany, not only in ample time, in the opinion of the proper officers of the regular army, but from two to three weeks sooner than the means of their transportation by steamers could be furnished by the United States.

An arrangement was made with several branches of the State Bank, by which they agreed to advance on the draft of the Executive, means to aid in clothing, subsisting and transporting the volunteers, looking to government for repayment.

The whole sum drawn by the Executive, under this arrangement, was \$5,218 78, of which \$3,718 78 was drawn from the Indianapolis Branch, and the residue, being \$1,500, from that at Madison. The whole amount drawn was applied to the objects in question, excepting \$47 78 of the last named sum, which, remaining unexpended, has been returned to the Madison Branch; leaving yet due to that institution \$1,452 22.

As the only payment made by the United States to the volunteers before they left Indiana was for clothing, no part of that was retained to repay the money advanced to them for other objects, unless with their own consent. If objection was made, and after full explanation, persisted in, by a single volunteer, the retention as to the entire company of which he was a member, was necessarily deferred, until the time of receiving the allowance specially made for such objects.

Some companies, not needing the whole of their clothing pay for immediate use, consented to the retention, in some cases of the whole, in others of a part, of what was due from them, it making no difference to them in the end, out of what payment it should be retained.

Under this regulation there was retained, with the consent of the volunteers, for the loan advanced by the branch at Indianapolis, \$3,108 59, before the troops left New Albany, which has since been duly paid over and credited on the books of the bank, leaving a balance due to it of \$610 19, amounting with the balance due to the branch at Madison, to \$2,062 41.

The Executive was also officially advised, that the branch at Fort Wayne, advanced from \$1200 to \$1300, (the precise sum not being now recollected) to an agent appointed for that purpose, by that institution, by whom it was expended for the benefit of the two companies, raised at that place. The branch at Lawrenceburgh, also advanced \$740 for the company raised in Dearborn county, which, it is understood, has been repaid, although no formal communication to that effect has been received from the branch.

Measures have been taken through the Paymaster General, and by a letter addressed to Brigadier General Lane of the Indiana volunteers, to have the balance due the branches at Madison, Indianapolis, and Fort Wayne, retained out of the moneys provided by the United States for the expenses of the volunteers to whose use the advances were applied. But as some delay may occur before this can be done, as some of it may never be received on account of deaths or discharges from the service before payment, and as some interest will be due on the loans, it is recommended that an appropriation be early made, to cover the whole amount due.

This course is the more proper, as with but one exception, these advances were made on the faith of the State, and the amount hereafter retained, would in case of an appropriation, be paid into the State Treasury.

Before closing this topic, it is felt to be due to the character of our citizens, to publicly acknowledge the numerous instances in which many of the volunteers were promptly supplied by their generous and patriotic neighbors, with clothing, provisions, wagons for their transportation, and with refreshments on their way to the place of rendezvous. This was the more creditable, as generally speaking, no remuneration for these deeds of kindness was expected, and it could scarcely be hoped that they would ever be heard of beyond the bounds of a limited acquaintance.

The moneys drawn to aid in raising the troops, were disbursed from time to time, according to a prescribed plan, on accounts and vouchers regularly and systematically rendered, which are filed away and open for inspection.

Documents relating to the military operations referred to, are herewith submitted.

By the accompanying report of the Adjutant General, it will be seen that the business of that officer has greatly increased within the past, as compared with the preceding year. The letters received and answered by him in the year 1845, amounted to but 65, while they amounted to 724 in 1846. The commissions ordered and forwarded through his office in the former year amounted to but 125, while in the latter year they amounted to 1320. Deducting from this number, the 224 commissions issued to the volunteers sent to the seat of war, and to the additional companies raised for that service, but not received, and still the increase in the number of commissions issued in the year 1846 over those issued in 1845, shows that the war in which the United States are engaged, has excited a strong and growing military feeling throughout the State. It is well worthy of your consideration whether this state of things does not indicate a call on the part of the people for an organization of the militia.

Deeply as a state of war with any nation is to be regretted, there is no alternative unless a disposition for peace is manifested on both sides.

Many who feel indifferent or even averse to such an organization in a state of peace, regard it as necessary in time of war. It is uncertain how soon another call may be made on us for additional forces.

Had our militia been organized at the time, it is evident that the raising of our troops would have been facilitated and hastened, by merely calling on the proper officers to order out their respective commands, and beat up for volunteers, on parade, thus saving much time, and securing the advantage of the force of example and the enthusiasm of numbers.

Another advantage attending such an organization would be found in its enabling the State to return our full military strength to the War Department, as a basis on which to draw our quota of the public arms.

As they are now drawn on the last return, made in 1832, we are annually deprived of more than one-half of the arms to which we are entitled, arising from the great increase in our population since that time.

Your more extended opportunities, however, have better enabled you to ascertain the public will upon this subject, by which we should be governed.

While speaking of the increased labors of the Adjutant General during the past year, it is due to that officer to express my deep sense of the important aid received from him in the raising of our volunteers. So pressing were the duties of his office, and so unremitting were his exertions, from the time the call upon Indiana was first made, until our troops were embarked at New Albany, (to which place we had repaired on their concentration at that point,) that his entire time was necessarily withdrawn from his ordinary

avocations. Having no clerical assistance, his nights, during that period, were generally devoted, until a late hour, to the public service. The far greater part of his time since has been occupied with his military correspondence. I commend him to your favorable consideration for an additional compensation for these services, and also, in view of the present and prospective increase of his regular duties, that his salary be also increased.

By the report of the Quarter-Master General, herewith submitted, it will appear that since his last annual report he has succeeded in collecting arms distributed previously to the year 1842, and for which bonds appear not to have been taken, to the amount of 793 pieces, consisting of muskets, rifles, sabres, and pistols, and that there have been repaired during the same period, 1,176 pieces of similar descriptions, besides 400 holsters and cartridge boxes; all of which have thus been rendered fit for actual service. It will also be seen that by receiving a portion of our last quota of public arms from the ordnance office, in cavalry, rifle, and infantry accoutrements, to replace such as had been lost or destroyed, a number of arms, to which they are made appurtenant, have thus at a comparatively small expense, been rendered available for service. The suggestions, in the same report, as to the security and transportation of the public arms, are respectfully urged upon your consideration. The fidelity and energy of this officer in the discharge of his official duties are worthy of commendation, and as his labors are now much greater than formerly, it is submitted whether he is not also entitled to an increase of compensation.

Arms have hitherto been distributed in the order in which they are applied for by organized companies. It is recommended that this rule be so modified by law, as in all cases to give the preference to such companies as may pledge themselves to stand ready for actual service at the first call of their country.

A circular, from the Secretary of the Treasury of the United States, asking for statistical information, in relation to agriculture and manufactures, has been forwarded to me; and is herewith communicated to the Legislature.

As I am not in possession of the data from which to furnish the desired information, otherwise than conjecturally, the subject is referred to your consideration for such action as you may see fit to take in reference to the object.

I submit herewith a communication from the acting commissioner of the General Land Office, dated Sept. 7, 1846, in which it will be seen, that the selection of lands for the Wabash and Erie Canal, made under the direction of my immediate predecessor, as mentioned in his letter to that office, dated Dec. 1st, 1843, has not been recognized, and that it is the wish of the office, that the 35,219 51-100 acres to which the State is yet entitled, be at my earliest convenience selected from lands "subject to private entry," as provided by the 2d section of the act of Congress of Feb. 27, 1841. The rea-

sons why I have so far delayed acting in this matter, were adverted to in my last annual message. The direction of the Legislature is respectfully invoked.

For reasons mentioned in my last annual message, I again respectfully commend to your favorable consideration, the questions as to the policy of transferring the trial of certain small offences from the Circuit Courts to justices of the peace, as to the policy of establishing houses of refuge for the moral discipline of juvenile and female offenders, instead of the present barbarous, unhealthy and expensive mode of punishment by imprisonment in the county jails—the question of a thorough and searching reform in our county expenditures—and the policy of providing for the growing amount of our special and local legislation, by transferring, by means of general laws, the necessary powers to other and more appropriate tribunals. My views in favor of each of these proposed changes which were formerly given at some length, have been strengthened by subsequent reflection. The large amount of business performed at the last session, may have prevented that matured consideration and action in reference to these subjects, which their importance, in my judgment demands. That the very character of that business demonstrates the propriety of the policy last above recommended, is to my mind evident—there having been passed at the last session 355 local or special acts, besides 145 acts and joint resolutions of a general nature—making in all 530 distinct measures, and comprising 559 octavo pages of printed matter.

It is feared that in the brief space of one session, the careful attention required by the public welfare, could with difficulty be bestowed upon all the various and dissimilar questions, embraced in so great a mass of legislation.

In conformity with the act providing for taking the sense of the qualified voters as to the propriety of calling a convention to alter, revise, or amend the constitution of this State, approved January 19, 1846, a poll was opened at the annual election held in August last, for receiving votes upon that question. The returns, so far as made to the Secretary of State, as required by that act, show that 32,521 votes were cast for, and 27,485 votes were cast against calling a convention. They also show that the aggregate number of votes returned as having been cast upon that question, is less than one-half of the number of voters who attended the polls and voted upon other questions, and that from thirteen counties no returns whatever upon that question have been received.

I cannot close this communication, without submitting a few remarks on the deeply important subject of education. The success of our two Universities, and of our Colleges, has been all that their warmest friends could desire, and is a subject of just pride and congratulation to the State. I have received from the Indiana University, the Indiana Asbury University, the Wabash College, and the Franklin College, yearly catalogues, exhibiting their actual condition;

and my information leaves no doubt upon my mind, that our other collegiate institutions are now, in common with the four above named, in a more prosperous condition than they have ever before enjoyed. This may, doubtless, in some degree, be attributed to the returning prosperity of the State at large; but it is mostly owing to the superior inducements held out to those who are desirous of acquiring a sound education, the healthful situations, the means of economical living, able and accomplished Presidents and Professors, and virtuous associations.

But under this comprehensive topic, there is another subject which challenges our attention by its far greater importance. I allude to the condition of our common schools. Under our simple and sublime institutions, all citizens are regarded as politically equal. But to enable the citizen to protect himself in the enjoyment of his full share of political rights, he must be armed with at least an elementary education. He must know how to read and write his mother tongue. This is too frequently regarded merely as a question of expediency. But it should never be forgotten that it is a sacred *debt* which we owe to every son and daughter of Indiana, however poor they may be, to place them upon an equality with their more favored associates, as to the means of acquiring a common school education. Until this is done, they are not as *equal* as they ought to be, nor as we have it in our power to make them.

By this means, they will be better enabled to "know their own rights and knowing, to maintain them." They will be better prepared to sift and analyze public questions—to scrutinize the conduct of their public officers, and to hold them to a proper accountability.

Very general dissatisfaction is expressed with our present school law. It is objected, that it is incoherent, and that its provisions are vague and conflicting. A careful revision of the entire school system, is respectfully recommended. Great advantage would arise from the adoption into our system of such provisions, as the experience of other states has shown to be productive of happy results.

An obvious mode of accomplishing this object would be, the appointment of a suitable person to examine into the condition of the schools of some of the older states, by correspondence, travel, and personal inspection, and to report to a future legislature. I am informed, however, that Mr. H. F. West, a gentleman who has recently become a citizen of this place, has for several years devoted his attention to this philanthropic object, and is ready to communicate the results of his investigations. It is very probable that this will obviate the necessity of resorting to the measure above indicated, and will facilitate action on this subject.

Whatever system you may see fit to adopt, it is recommended, that provision be made for the appointment of a State Superintendent, who shall be charged with the supervision of the entire school system, and particularly, with procuring full and prompt reports of

the condition and management of the schools and school funds in the State.

The Asylum for the education of deaf mutes, continues to grow in usefulness, under its present able instructors. The number of pupils in the institution since it was established by the State, has increased from nineteen to forty-five; and there are already assurances that they will amount to fifty, before the close of your present session. Well situated grounds in the immediate vicinity of this place, have been purchased as a site for a suitable edifice; and it is recommended that authority be given for its early construction.

Considerable progress has been made during the past season, in the construction in this vicinity, of a Hospital for the Insane, which was authorized at the last session of the Legislature. It is recommended that the former appropriations be so far increased, or rather anticipated, as to insure its completion with the least practicable delay. This is alike required by economy, humanity, and sound policy.

Permit me in conclusion to express the hope that your deliberations may be characterised by wisdom and moderation, and to pledge my hearty co-operation in whatsoever may be promotive of the prosperity, the happiness and the honor of our beloved State.

JAMES WHITCOMB.

Dec. 7th, 1846.

The following message was received from the House of Representatives, by Mr. Ward, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have concurred in the amendment of the Senate, to the resolution of the House, fixing the time for counting the votes cast for Governor and Lieutenant Governor, at the last annual election.

Messrs. Zenor and Edmonston were appointed a committee on the part of the Senate.

The following message was received from the House of Representatives, by Mr. Ward, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have adopted the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives *instantly*, to proceed to count the votes cast for Governor and Lieutenant Governor of this State, at the last annual election.

Whereupon, the Senate repaired to the Hall of the House of Re-

presentatives, and proceeded, in the presence of, and together with the House of Representatives, to open the returns and count the votes cast for Governor and Lieutenant Governor.

During which said opening and counting, the President adjourned the Convention until to-morrow morning.

The Senate then returned to their chamber; and

On motion,
The Senate adjourned.

WEDNESDAY MORNING, DECEMBER 9, 1846.

The Senate assembled.

The journal of the preceding day was read.

The Hon. Richard Winchell, from Grant and Delaware counties, appeared and took his seat.

Mr. Orth, from a select committee, made the following report:

MR. PRESIDENT:

The joint committee appointed to wait on the Rev. Henry W. Beecher, and request him to attend in the Hall of the House of Representatives this morning at ten o'clock, for the purpose of opening the present session of the General Assembly with prayer, and invoke the blessing of Almighty God on their deliberations, have instructed me to report that they have discharged their duty, and that Mr. Beecher will comply with the request of the General Assembly.

Mr. Holloway moved to take from the table the resolution for the furnishing of newspapers to and for the use of the members and officers of the Senate.

Which motion prevailed.

Mr. Holloway moved to amend said resolution by striking out the same from the word resolved and inserting, in lieu thereof, the following:

That the President of the Senate and each member and officer thereof be authorized to contract for and receive any number of any one or more of the newspapers printed and published in the town of Indianapolis, to be designated by such member or officer, not exceeding in cost the sum of five dollars for each member and officer, which shall be paid out of the State Treasury.

Mr. Hamrick moved to amend said amendment by striking out "at the expense of the State," and inserting "at the expense of each member."

Mr. Edmonston moved to lay the amendment of Mr. Hamrick on the table.

Which motion prevailed.

Mr. Holloway's amendment was then adopted, and the resolution so amended, was adopted.

Mr. Parks gave notice that he would, on to-morrow, move the appointment of an additional standing committee.

Mr. Verbrike asked and obtained leave to introduce the following bill:

No. 1. A bill to define the mode of advertising the delinquent list;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Miller offered the following resolution:

Resolved, That fifteen hundred copies of the Governor's message be printed for the use of the Senate.

Mr. Handy moved to amend by inserting 2000 instead of 1500;

Which amendment was not adopted.

The question then being upon the adoption of Mr. Miller's resolution;

It was adopted.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution:

Resolved, That a committee of two be appointed on the part of the House to act with a similar committee on the part of the Senate, to wait on his Excellency, James Whitcomb and the Hon. Parris C. Dunning, and inform them of their election; the first to the office of Governor, and the second to the office of Lieutenant Governor of the State of Indiana, and to ascertain from them what time it will suit their convenience to take the oath of office.

Messrs. Palmer and Julian have been appointed said committee on the part of the House.

Mr. Howell moved to reciprocate said resolution;

Which motion prevailed; and

Messrs. Howell and Zenor were appointed said committee on the part of the Senate.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have adopted the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the House, *instanter*, to attend the prayer of the Rev. Mr. Beecher, to be offered in accordance with the request of a joint committee made on yesterday, and that seats be provided on the right of the Speaker's chair.

The Senate then repaired to the Hall of the House of Representatives, and, after hearing the prayer of the Rev. Mr. Beecher, returned to their Chamber.

Mr. Stockwell offered the following resolution:

Resolved, That one thousand copies of the Governor's message be printed in the German language for the use of the Senate.

Mr. Ellis moved to amend said resolution providing for the printing of 500 copies in the French language;

Which amendment was not adopted.

Mr. Berry of Monroe, then moved to amend said resolution by striking out 1000 copies and inserting in lieu thereof 500 copies.

Mr. Ellis moved to lay said resolution and amendment on the table;

The ayes and noes being demanded by Messrs. Orth and Hamrick,

Those who voted in the affirmative are,

Messrs. Beard, Bowers, Bradbury, Chenowith, Coates, Coffin, Conner, Ellis, Goodenow, Hamer, Hamrick, Holloway, Howell, Logan, Morgan, Montgomery, Murphy, Robinson, Simpson, Verbrike, Winchell, and Zenor—22.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Clements, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Jackson, Marsh, Miller, Milligan, Milliken, Orth, Parks, Read, Rockhill, Stockwell, Taber, and Waters—24.

So the said resolution, as amended, was not laid upon the table.

Mr. Handy called for a division of the question;

Which was ordered by the Senate.

The question then being upon striking out 1500;

It was decided in the affirmative.

Mr. Davis proposed to insert 300 in German and 200 in French.

Mr. Rockhill proposed to insert 900 in German.

The question then being upon inserting 900.

It was decided in the negative.

Mr. Berry of Monroe proposed 500 in German ;

The ayes and noes being called for by Messrs. Howell and Handy,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coates, Conner, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Orth, Osborn, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbribe, and Waters—35.

Those who voted in the negative are,

Messrs. Beard, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphy, Robinson, Winchell, and Zenor—13.

So the Senate decided to fill said blank with 500 copies in the German language.

Mr. Ellis moved to amend the resolution by inserting 300 copies in the French language.

Mr. English proposed, as a modification of Mr. Ellis's amendment, 150 copies in the French language ;

Which modification was accepted by Mr. Ellis ; and,

The ayes and noes being demanded by Messrs. Ellis and Parks,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Bradbury, Chenowith, Clements, Coffin, Conner, Cuppy, Davis, Day, Edmonston, Ellis, English, Green, Hamer, Hardin, Henry, Holloway, Howell, Marsh, Milligan, Morgan, Montgomery, Orth, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbribe, Winchell, and Zenor—37.

Those who voted in the negative are,

Messrs. Berry of Monroe, Bowers, Coates, Goodenow, Hamrick, Handy, Jackson, Logan, Milliken, Murphy, and Waters—11.

So the amendment of Mr. Ellis was adopted.

The question then being upon the adoption of the resolution as amended ;

The ayes and noes being called for by Messrs. Logan and Beard,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coates, Cuppy, Day, Edmonston, Ellis, English, Green, Handy, Hardin, Henry, Howell, Jackson, Marsh, Milligan, Milliken, Orth, Osborn, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbribe, and Winchell—32.

Those who voted in the negative are,

Messrs. Beard, Coffin, Conner, Davis, Goodenow, Hamer, Hamrick, Holloway, Logan, Miller, Morgan, Montgomery, Murphy, Robinson, Waters, and Zenor—16.

So the resolution, as amended, was adopted.

Mr. Howell moved that the Senate adjourn ;

Which motion did not prevail.

Mr. Miller moved that the Senate adjourn ; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Bowers, Bradbury, Chenowith, Clements, Cuppy, Day, Ellis, English, Green, Hamer, Handy, Hardin, Henry, Holloway, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Orth, Osborn, Parks, Rockhill, Stockwell, Winchell, and Zenor—30.

Those who voted in the negative are,

Messrs. Berry of Monroe, Coates, Coffin, Conner, Davis, Edmonston, Goodenow, Hamrick, Morgan, Montgomery, Murphy, Robinson, Simpson, Stewart, Taber, Verbribe, and Waters—17.

So said motion prevailed ; and,

The Senate accordingly adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

Senate met.

Mr. Howell, from the committee appointed to wait upon his Excellency James Whitcomb, and the Hon. Paris C. Dunning, and inform them of their election as Governor and Lieutenant Governor,

and ascertain at what time they would take the oath of office, made the following report:

MR. PRESIDENT:

The joint committee, who were directed to wait upon his Excellency James Whitcomb, and the Hon. Paris C. Dunning, and inform them of their election, the first as Governor, and the second as Lieutenant Governor of the State of Indiana, and ascertain at what time it would be their pleasure to take the oath of office, have performed that duty, and received for answer, that they will attend in the Hall of the House of Representatives, at half past 2 o'clock, P. M., this day.

The following message was received from the House of Representatives, by Mr. Ward, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House have adopted the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives *instantly*, to witness the oath of office administered to his Excellency James Whitcomb as Governor, and the Hon. Paris C. Dunning as Lieutenant Governor, of the State of Indiana, and that seats be provided for them on the right of the Speaker's chair.

Whereupon, the Senate repaired to the Hall of the House of Representatives.

The oath of office was then administered by the Hon. Isaac Blackford, to his Excellency James Whitcomb as the Governor, and to the Hon. Paris C. Dunning as the Lieutenant Governor, of the State of Indiana, in the presence of both Houses of the General Assembly.

His Excellency James Whitcomb then delivered the following inaugural

ADDRESS:

FELLOW-CITIZENS:—The will of a free and independent people having again assigned to me the duties of the first executive office within their gift, I have in your presence, and that of Heaven, bound myself by the most solemn pledge, to the faithful discharge of the trust confided to my hands. The period through which I have passed, since first occupying my present station, has been attended with difficulty and responsibility. For this proof on the part of my

fellow-citizens of their approbation of my past official conduct—for this renewed and increased expression of their confidence in the rectitude of my future intentions, I tender the homage of a grateful heart. Despairing of finding terms adequately expressive of my sense of the obligation conferred, I shall endeavor to show it, to the best of my humble talents, in my continued, and, if possible, in my increased exertions to guard their rights, protect their interests, and promote their welfare.

A brief retrospect of the condition of our State affairs, especially as furnishing a lesson for the future, may not be regarded as inappropriate on this occasion. When I first entered upon the duties of the distinguished office to which I have again been elevated by the partiality of my fellow-citizens, the degree and extent of suffering throughout the entire community were without a parallel in our State. Almost every one who had possessed credit was in debt, and a very large number, to all human appearance, hopelessly so. Business was broken up, enterprise was paralyzed, and individual credit was almost annihilated. Relief laws, as they are usually termed, had been interposed to prevent the general and sudden sacrifice of so large a portion of the property of the citizens, that the currency in the community, in the absence of such laws, would have been little more than sufficient to pay the costs of litigation; thus threatening to strip the debtor of the means of paying his debts, without at the same time benefitting the creditor.

But if the condition and prospects of the people individually were gloomy, what shall be said of those of the State? Need I go into a calculation of the millions of liability—of the Alpine height of that debt, resting like an incubus upon the State, and threatening to crush her vital energies under its ponderous load?

Our best citizens, despairing of extrication from the shackles of debt, were sacrificing their homes and removing beyond the limits of the State, while Capital and Industry avoided our blighted shores in their onward tide to the West.

How many of our citizens believed—nay, was there one who believed, that the full and entire amount of our public debt, principal and interest, would ever be paid? How many thought that we should ever be able to plunge to the full depth of our liability, and “pluck up drowned honor by the locks?”

What is now the condition of the great mass of our fellow-citizens? Let it answer for itself. It is true, it is not yet all that could be desired, but its perceptible improvement teaches us, that the only reliable means of reaching that full degree of prosperity to which, under Providence, we may hopefully aspire, is the systematic adherence to those maxims of industry and frugality by the people—to that strict economy by the State government, and to that abstinence from schemes of visionary wealth on the part of both, by the observance of which, our altered condition for the better, has been mainly produced. Above all, I desire, on this solemn occasion, to raise my

warning voice against the allurements of credit. This caution, at all times proper, is more particularly needed in times of prosperity, of a return of which, should a satisfactory arrangement be made of our State debt, we already have encouraging evidence. Prompt payments, where there is ability, are always better for both seller and purchaser, and where there is not ability, it is better in the great majority of cases, that the purchase should not be made. That credit is sometimes desirable, it is not intended to deny: but it is believed that such instances are of rare occurrence. Actuated, then, by the deepest concern for the welfare of the people—the strongest regard for the honor and prosperity of the State, I cannot but indulge the hope, that, taught by the lessons of experience, and exercising a provident forecast, the yawning gulf of debt, under the specious name of credit, will be carefully avoided.

As to our existing prospects in relation to the State debt, may we not venture to express the opinion, that enough has already transpired to afford a well grounded hope for its early arrangement, on terms satisfactory to our creditors, acceptable to our citizens, and honorable to the State? Should a settlement be finally made, substantially as proposed by the bill of last session, it is demonstrable that no higher rate of taxes will ever be required from the people to meet the whole arrangement, principal and interest, than they have been and are now paying for the present year.

In my future administration of the affairs of the State, I shall endeavor to restrict myself within the powers delegated by the Constitution—to avoid all encroachment upon either of the co-ordinate branches of government—to see, to the best of my humble abilities, that the laws are faithfully and impartially executed, and to regard the affairs and interests of Indiana as the first object of my attention and care.

Trusting to my fellow citizens for that kind indulgence and support with which I have hitherto been so highly favored, I invoke the aid of that Infinite Power who governs and controls the universe, to lead our councils to what is best, and make them promotive of our common happiness.

JAMES WHITCOMB.

The Senate returned to their chamber.

The Hon. Paris C. Dunning, Lieutenant Governor, was by the Hon. James G. Read conducted to the chair, and delivered the following inaugural address:

Gentlemen of the Senate:

Previous to entering upon the discharge of the duties of the highly responsible office to which I have been elevated, by the partiality of my fellow-citizens of Indiana, permit me to avail myself of this occasion, to tender to you as their representatives, and through you to them, my very grateful acknowledgments, for this distinguished mark of their regard and confidence.

Distrusting my own abilities, I assume upon myself the discharge of the arduous and complicated duties of presiding officer of this body with great diffidence.

The importance of a system of rules for the government of all deliberative assemblies, is conceded, by those who are conversant with the proceedings of public bodies, whether convened for legislative or other purposes. You are convened in a legislative capacity, for the discharge of important duties. You are the guardians of the interests of the people of a sovereign State. Into your hands are confided important trusts—trusts no less in magnitude than the protection of the lives, liberty, property and reputation of your fellow-citizens. How important then, that the rules adopted for your government should be faithfully and impartially administered, in order that each of you in your individual and representative capacity may be protected, and above all, that the rights guaranteed to your constituents, under the constitution and laws, may be properly preserved.

In the language of one of the most distinguished speakers of the British House of Commons, the adoption of a system of rules, and a strict and impartial administration of them “operate as a check and control on the actions of the majority. And they are in many instances, a shelter and protection to the minority against the attempts of power. On the contrary, nothing tends more to throw power into the hands of an administration, and those who act with the majority, than a neglect of, or departure from the rules of proceeding. How delicate then are the duties of a presiding officer. How important it is that he should closely scan his own conduct, purify his own motives, and watch over and control his own feelings.” When I view the importance of the trusts confided unto my hands, I cannot but entertain fearful apprehensions of my inability to render universal satisfaction in the discharge of the duties of the chair.

I feel, however, much encouraged from the reflection, that you are called by the same voice that has called me to my present situation—that you are invested with similar powers and duties—that you are responsible to the same great tribunal for the manner in which you discharge your respective trusts; all of which circumstances concur in creating a mutuality of interest and a fellowship of feeling towards each other; and above all, I feel assured, from a personal acquaintance with many of you, that whatever errors I may commit in the discharge of the duties of the chair, will not be attributed to any improper motives, but to a want of judgment; and that, while you have the boldness to condemn, you will have charity enough to forgive.

True, it is not my duty to enter into the angry and exciting debates, or to engage in the intellectual struggles which in the very nature of things, often spring up in the Senate, from the supposed conflicting interests of your respective constituencies. The station

to which I am called places me above them. It is my duty to suppress and subdue those angry feelings, to preserve peace, and to restore order wherever it has been violated. If I can succeed in performing those important duties, and in meriting your confidence and esteem, my ambition will be more than gratified.

The freedom of discussion which is tolerated under our republican form of government, (and I rejoice that such is the case), gives rise to parties entertaining different political views upon questions of State and National policy. It is not my object upon this occasion to descant upon any of those leading questions; that is a duty belonging to other and higher functionaries of our Government, and in part to a different legislative body; yet I deem it my duty to say, that I attribute my elevation to the office I now fill, mainly to the advocacy of a certain system of principles, and I now publicly avow my intention of strictly adhering to those principles, should any one or more of them be brought before this body for an expression of opinion, and it should become under the constitution my duty to give a voice in their settlement.

Nevertheless, I am equally frank to declare from this stand, that I never witnessed any public good resulting from a discussion, in our legislative halls, of any one of the great questions of national policy upon which there is a manifest difference of opinion between the two political parties of the country, and my sincere prayer to *Him* who rules over the destinies of men and nations, is, that the *fell* spirit of party may not be permitted to enter within the walls of this Senate Chamber—that it may not be suffered to mar the harmony of our deliberations upon questions of State policy deeply affecting the pecuniary interests as well as the honor of our beloved State.

And may I not indulge the hope that each of you, deeply imbued with a love of country, and a lively devotion to the best interests of your constituents, will so direct your legislative exertions, that when you return to the circle of your acquaintances and constituents, you may each one hear the welcome plaudit, "well done, thou good and faithful servant?"

We are assembled this day under auspicious circumstances. The dark cloud of political adversity, which has been for years past overhanging our beloved State, and retarding her onward march to wealth and prosperity, has been measurably dissipated.

By the liberal and enlightened legislation of the Congress of the United States, the representatives of the people were enabled at the last session of the Legislature, to lay the foundation for an honorable adjustment of our State indebtedness, upon such terms as are within the ability of the people to meet.

And it affords me great pleasure to know that our constituents have so promptly and nobly responded to this measure of their representatives. Much, however, yet remains to be done before this great measure for the people will be finally consummated. I trust,

however, that your zeal in this matter will not abate until you shall have restored the lost credit of Indiana, and placed her again upon the *roll* of debt-paying States; this done, and you will deserve, as doubtless you will receive, the enviable distinction of benefactors of the people.

In conclusion, gentlemen, permit me to renew my pledge to you, and to the country, that I will (in the language of the oath that I have just taken) according to the best of my ability, faithfully and impartially discharge the duties of presiding officer. I now commend myself to your liberality and kind feeling; and invoke upon us individually, and upon our legislative labors, the blessings of *Him* who presides over the destinies of men, and of nations.

After which the said Hon. Paris C. Dunning took his seat as President of the Senate.

On motion,
The Senate adjourned.

THURSDAY MORNING, DECEMBER 10, 1846.

The Senate assembled.

Mr. Parks offered the following resolution:

Resolved, That the standing rules of the Senate be so amended as to authorize the President of the Senate to appoint one additional standing committee, to be denominated a committee on the benevolent institutions of the State.

Which was adopted.

Mr. Allison offered the following resolution:

Resolved, That the annual message of his Excellency the Governor, communicated to the General Assembly at its present session, be committed to a committee of the whole Senate, and made the order of the day for this day, at 3 o'clock, P. M.

Which was adopted.

Mr. English introduced, *bill for the relief of the State of Indiana*

No. 2. A bill declaring a misprint in certain names therein mentioned;

Which was read a first time; and,

On motion by Mr. English,
The rules were suspended, and the bill read a second time; and,

On motion by Mr. Read,
Said bill was read a second time, and passed.
Mr. Read introduced,
No. 3. A bill providing for holding a convention to revise and amend the constitution of the State of Indiana;
Which was read a first time, and ordered to be read a second time to-morrow.
On motion,
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The President announced the following as the order of business to be observed by the Senate, during the present session, unless changed by the Senate:

- I. The reading of the journal.
 - II. Petitions, memorials, and remonstrances.
 - III. Reports from standing committees, as follows, to-wit:
 1. On elections.
 2. On finance.
 3. On the judiciary.
 4. On federal relations.
 5. On education.
 6. On military affairs.
 7. On roads.
 8. On canals and internal improvements.
 9. On the affairs of the town of Indianapolis.
 10. On claims.
 11. On the State Prison.
 12. On the State Library.
 13. On public buildings.
 14. On the State Bank.
 15. On the canal fund.
 16. On agriculture.
 17. On corporations.
 18. On unfinished business.
 19. On the benevolent institutions of the State.
 - IV. Reports from select committees.
 - V. Resolutions of the Senate.
 - VI. Joint resolutions.
 - VII. Bills.
 - VIII. Orders of the day.
- The committees on enrolled and engrossed bills, and joint com-

mittees, are not restricted by the preceding rules, but may report at any time.

The President laid before the Senate his appointment of the following standing committees of the Senate, during the present session.

ON ELECTIONS.

Messrs. Rockhill, Allison, Berry of Franklin, Bowers, Cuppy, Coats, Hamrick, Jackson, and Simpson.

ON FINANCE.

Messrs. Parks, Coffin, Green, Conner, English, Goodenow, Clements, Coats, and Day.

ON THE JUDICIARY.

Messrs. Orth, Davis, Osborn, Henry, Clements, Robinson, Ellis, Stewart, Winchell, Murphey, and Holloway.

ON FEDERAL RELATIONS.

Messrs. Read, Parks, Hardin, Hamer, Davis, Howell, Beard, Bradbury, and Milliken.

ON EDUCATION.

Messrs. Osborn, Henry, Holloway, Berry of Monroe, Stockwell, Stewart, Allison, Murphey, Marsh, Handy, Hardin, Goodenow, Montgomery, Beard, Ellis, and Hamrick.

ON MILITARY AFFAIRS.

Messrs. Howell, Winchell, Hamer, Logan, Morgan, Handy, Hamrick, Waters, and Berry of Monroe.

ON ROADS.

Messrs. Berry of Monroe, Bradbury, Beard, Green, Chenowith, English, Verbribe, Zenor, Morgan, Taber, and Day.

ON THE AFFAIRS OF THE TOWN OF INDIANAPOLIS.

Messrs. Hardin, Stewart, Conner, Zenor, Verbriek, Simpson, and Milligan.

ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Edmonston, Stockwell, Read, Davis, Milliken, Berry of Franklin, Holloway, Simpson, Hardin, Handy, Parks, Allison, Coffin, Henry, Beard, Orth, Osborn, Taber, Rockhill, and Marsh.

ON CLAIMS.

Messrs. Logan, Berry of Franklin, Miller, Robinson, Jackson, Coffin, Bowers, and Chenowith.

ON THE STATE PRISON.

Messrs. Cuppy, Read, Taber, Zenor, Montgomery, Milligan, and Verbriek.

ON UNFINISHED BUSINESS.

Messrs. Goodenow, Milliken, Bradbury, Miller, and Winchell.

ON THE STATE LIBRARY.

Messrs. Ellis, Bowers, Cuppy, Robinson, and Simpson.

ON PUBLIC BUILDINGS.

Messrs. Miller, Conner, Taber, Morgan, Montgomery, Hamer, and Waters.

ON THE STATE BANK.

Messrs. Davis, Edmonston, Parks, Orth, Marsh, Holloway, Milliken, Stockwell, Rockhill, Osborn, Clements, Stewart, Goodenow, Ellis, Hamer, Day, and Chenowith.

ON AGRICULTURE.

Messrs. Bowers, Parks, Coats, Murphey, English, Robinson, Bradbury, Coffin, Howell, Zenor, Jackson, Morgan, Cuppy, Day, Waters, Logan, and Verbriek.

ON CORPORATIONS.

Messrs. Berry of Franklin, Handy, Edmonston, Orth, Green, Marsh, Montgomery, and Conner.

ON THE BENEVOLENT INSTITUTIONS OF THE STATE.

Messrs. Henry, Stockwell, Green, Miller, Howell, Logan, and Hamrick.

ON ENROLLED BILLS.

Messrs. Murphy and Milligan.

ON ENGROSSED BILLS.

Messrs. Winchell and Waters.

JOINT COMMITTEES.

ON PUBLIC BUILDINGS.

Messrs. Allison, Read, English, Chenowith, Jackson, Rockhill, and Coats.

ON THE CANAL FUND.

Messrs. Stockwell, Clements, and Allison.

ON THE STATE LIBRARY.

Messrs. Clements, Berry of Monroe, and Milligan.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bills thereof:

No. 2. An act to authorize the judges of the Lawrence county circuit and probate courts, to devise new seals for their respective courts;

No. 21. An act to provide for a settlement with the former superintendent of the State Prison;

In which the concurrence of the Senate is respectfully requested. The President gave notice that he had in his possession, and thereupon laid before the Senate, the application of Jonathan M. Benegar, of Jay county, and certain papers relative thereto, contesting the election of Dixon Milligan to a seat in the Senate.

Mr. Edmonston moved to refer said application and papers to the committee on elections;

Which motion prevailed.

On motion by Mr. Howell,

Ordered, That 100 copies of the appointment of the standing committees be printed for the use of the Senate.

Mr. Allison introduced,

No. 4. A bill to revive an act entitled "An act to locate a State road from Point Commerce, in Greene county, to the feeder dam on Eel river, in Clay county," approved January 20th, 1846;

Which was read a first time, and ordered to be read a second time on to-morrow.

Mr. Hamrick introduced,

No. 5. A bill in relation to county roads;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Rockhill introduced,

No. 6. A bill to change the time of holding the circuit courts in the county of Wells, and for other purposes;

Which was read a first time, and ordered to be read a second time on to-morrow.

Mr. Simpson introduced,

No. 7. A bill relating to the office of auditor of Union county; Which was read a first time; when,

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second time, and referred to the judiciary committee.

Mr. Holloway introduced,

No. 8. A bill to amend an act entitled "An act to incorporate

the city of Richmond, Wayne county, Indiana," approved February 20th, 1840;

Which was read a first time, and ordered to be read a second time on to-morrow.

Mr. Read moved to take up the message of the House;

And it was so ordered.

No. 21, a bill of the House contained in said message, was taken up and read a first time; when,

On motion by Mr. Read,

The rules were suspended, and said bill read a second time; and,

On motion,

The rules were suspended, and the bill read a third time and passed.

No. 2, a bill of the House, was read a first time; when,

On motion by Mr. Hamer,

The rules were suspended, and the bill read a second time; when,

On motion by Mr. Hamer,

The rules were suspended, and the bill read a third time and passed.

Mr. Verbrake offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire whether the best interests of this State does not demand a radical change in the probate system.

And whether it would not be advisable to district the State into probate circuits, and elect well qualified judges of law to preside over the same; and whether, considering that the whole current of wealth must pass under the review of these judges, every few years, and that upon their decisions hang the hopes of the widow, the orphan, and numerous parties concerned; and whether, under the present system, it can be expected that judges can be had of sufficient legal attainments; and whether, consequently, an injudicious and deleterious course of adjudication must not continue to follow appeals to higher courts, and a squandering of estates, to the great prejudice of widows, heirs, and creditors; with leave to report by bill or otherwise.

Which was adopted.

On motion by Mr. Allison,

The Senate resolved itself into a committee of the whole, upon the Governor's message. Mr. Allison in the chair.

After some time spent therein,

Mr. Berry of Monroe moved that the committee rise, report progress, and ask leave to sit again;

Which motion was decided in the affirmative.

Whereupon, Mr. Allison reported that the committee had made some progress, and asked leave to sit again;

Which leave was granted.

On motion by Mr. Edmonston,

The Senate adjourned.

FRIDAY MORNING, DECEMBER 11, 1846.

The Senate assembled.

The journal of the preceding day was read.

The President laid before the Senate the reports of the Branches of the State Bank of Indiana at Vincennes, Bedford, New Albany, La'ayette, South Bend, Madison, Michigan City, and Indianapolis.

On motion by Mr. Edmonston,

Said reports were referred to the committee on the State Bank.

Mr. Edmonston presented the petition of sundry citizens of Dubois county, in relation to the building of a jail in said county; which,

On motion by Mr. Edmonston,

Was referred to a select committee consisting of Messrs. Edmonston, Howell, and Stockwell.

Mr. Taber presented the petition of John Kestler, praying for relief; which,

On motion by Mr. Taber,

Was referred to the committee on canals and internal improvements.

Mr. Robinson presented the petition of Abner Hobbs and others, for a change in the mode of doing county business in Decatur county;

Mr. Robinson, also at the same time presented the remonstrance of John F. Stevens and others, against said petition;

Which petition and remonstrance were,

On his motion,

Referred to a select committee consisting of Messrs. Robinson, Bowers, and Goodenow.

Mr. Clements presented the petition of sundry citizens of Martin county, relative to the working of the roads in said county;

On motion by Mr. Clements,

Said petition was referred to the committee on roads.

Mr. Cuppy introduced the petition of sundry citizens of Whitley and Kosciusko counties, on the subject of the road tax in said counties;

On motion by Mr. Cuppy,

Said petition was referred to a select committee consisting of Messrs. Cuppy, Rockhill, and Taber.

Mr. Clements presented the petition of sundry citizens of Daviess, Martin, and Dubois counties, praying for a road from Alford's, in Daviess county, to Pines' mill, in Martin county; which,

On motion by Mr. Clements,

Was referred to the committee on roads.

Mr. Murphey presented the petition of sundry citizens of Henry county, praying for the repeal of a certain act therein named; which,

On motion by Mr. Murphey,

Was referred to the committee on roads.

Mr. Berry of Franklin presented the petition of J. R. Goodwin and others, on the subject of education; which,

On motion by Mr. Berry of Franklin,

Was referred to the committee on education.

Mr. Orth offered the following resolution:

Resolved, That the committee on the judiciary be instructed to report a bill repealing our present valuation and appraisement laws.

Mr. Edmonston moved to amend said resolution by inserting after the word "repealing," the words "or modifying."

Mr. Handy moved to lay said resolution and pending amendment upon the table;

The ayes and noes being demanded by Messrs. Orth and Handy,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Coffin, Conner, Day, Edmonston, Ellis, English, Green, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Marsh, Miller, Milligan, Milliken, Montgomery, Robinson, Simpson, Stewart, Verbriek, and Waters—26.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Cuppy, Davis, Goodenow, Hamer, Halloway, Logan, Morgan, Murphey, Orth, Osborn, Parks, Read, Rockhill, Stockwell, Taber, Winchell, and Zenor—23.

So the resolution and amendment were laid upon the table.

Mr. Milliken offered the following resolution:

Resolved, That the judiciary committee be instructed, if they come to the conclusion that a change in our probate system is called for, to inquire into the expediency of substituting the surrogate system of New York, instead of probate circuits.

Which was adopted.

Mr. Clements offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law, as to authorize the county auditors to sell lands bid in for the State, at

private sale; and also where the appraisements have been too high, that the same may be reappraised and sold accordingly, any thing contained in the 13th chapter of the Revised Statutes of 1843, to the contrary to be repealed.

Which was adopted.

Mr. Rockhill introduced,
No. 9. A bill for the relief of Joseph Dickey and David Quinn;
Which was read a first time.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a second time; and,

On motion by Mr. Rockhill,

Referred to the committee on claims.

Mr. Jackson introduced,

No. 10. A bill to provide for the publication of certain acts of the last session of the Legislature, which were not printed with the acts of that session;

Which was read a first time, and ordered to a second reading.

Mr. Robinson introduced,

No. 11. A bill to legalize the adjournment of the Decatur circuit court, at the fall term, 1846;

Which was read a first time, and ordered to a second reading.

Mr. Taber introduced,

No. 12. A bill in relation to the execution of decrees in chancery;

Which was read a first time, and ordered to a second reading.

Mr. Jackson introduced,

No. 13. A bill to repeal certain special laws in force in the 11th judicial circuit;

Read a first time and ordered to a second reading.

Mr. Murphey introduced,

No. 14. A bill authorizing the auditor of Henry county to sell a certain tract of land therein named;

Which was read a first time, and ordered to a second reading.

Mr. Allison introduced,

No. 15. A bill to change the time of holding probate courts, at the August term, in Greene county;

Which was read a first time, and ordered to a second reading.

Leave being granted,

Mr. Zenor offered the following resolution:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of re-organizing the militia of this State, and that each commandant of regiments, battalions, and companies, be furnished with a copy of the law in pamphlet form.

Which was adopted.

The Senate took up the orders of the day.

No. 1. A bill to define the mode of advertising the delinquent list;

Which was read a second time.

On motion by Mr. Morgan,

The bill was referred to the committee on finance.

No. 3. A bill providing for holding a convention to revise and amend the constitution of the State of Indiana;

Which was read a second time.

Mr. Orth moved to refer said bill to the committee on the judiciary;

Which motion did not prevail.

Mr. Read then moved to refer said bill to a select committee to consist of one Senator from each judicial circuit in the State.

The ayes and noes being demanded by Messrs. Orth and Read, upon said motion of Mr. Read,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Osborn, Parks, Read, Rockhill, Stewart, Stockwell, Taber, Verbribe, Waters, and Zenor—27.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, and Winchell—21.

So said bill was referred to a select committee consisting of Messrs. Read, Montgomery, Howell, Green, Stewart, Robinson, Coffin, Taber, Osborn, Berry of Monroe, Winchell, and Marsh.

No. 4. A bill to revive an act entitled "An act to locate a State road from Point Commerce, in Greene county, to the feeder dam on Eel river, in Clay county," approved January 20th, 1846;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 5. A bill in relation to county roads;

Which was read a second time; and,

On motion by Mr. Hamrick,

Referred to the committee on roads.

No. 6. A bill to change the time of holding the circuit courts in the county of Wells, and for other purposes;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 8. A bill to amend an act entitled "An act to incorporate

the city of Richmond, Wayne county, Indiana," approved February 20th, 1840;

Which was read a second time; and,

On motion by Mr. Berry of Monroe,
Referred to the committee on corporations.

On motion,
The Senate adjourned.

2 o'clock, P. M.

Senate met.

The President laid before the Senate the report of the Agent of State.

Mr. Miller moved to lay the report upon the table, and that 500 copies be printed for the use of the Senate;

Which motion prevailed.

Mr. Davis introduced,

No. 16. A bill for the relief of Victor A. Pepin, of Floyd county;
Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Miller introduced,

No. 17. A bill to amend an act entitled "An act to authorize the sale of school lands in township two south, of range one west, in the county of Crawford," approved December 31st, 1845;

Which was read a first time, and ordered to a second reading.

Mr. Allison introduced,

No. 18. A bill to repeal a joint resolution therein named;

Which was read a first time, and ordered to a second reading.

Mr. Davis introduced,

No. 19. A bill to incorporate Anderson's Collegiate Institute;

Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second time, and referred to the committee on education.

Mr. Clements introduced,

No. 20. A bill in relation to compensating supervisors of roads and highways, and repealing an act therein named;

Which was read a first time, and ordered to a second reading.

Mr. Berry of Franklin offered the following resolution:

Resolved, That the committee on finance be instructed to report a bill, providing for the letting of the public printing to the lowest

bidder that shall give ample bond for the faithful performance of the work.

Which was adopted.

Mr. Robinson offered the following resolution:

Resolved, That a select committee consisting of six Senators be appointed, whose duty it shall be to examine and report to the Senate, at as early a day as convenient, some plan for repairing and improving the Michigan road, south of Indianapolis; and that said committee report by bill or otherwise.

On motion by Mr. Osborn,

Said resolution was so amended as to apply to the whole extent of the road.

And being so amended was adopted.

Such select committee are, Messrs. Robinson, Osborn, Milliken, Handy, Conner, and Taber.

Mr. Berry of Franklin moved that the Senate adjourn;

Which motion did not prevail.

Mr. Orth moved that the Senate resolve itself into committee of whole on the Governor's message;

The ayes and noes being demanded by Messrs. Handy and Edmonston,

Those who voted in the affirmative are,

Messrs. Allison, Bradbury, Chenowith, Clements, Coffin, Davis, Day, Goodenow, Hamer, Hamrick, Holloway, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, and Winchell—21.

Those who voted in the negative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Bowers, Coats, Conner, Cuppy, Edmonston, English, Green, Handy, Hardin, Howell, Jackson, Logan, Marsh, Miller, Milligan, Parks, Read, Rockhill, Stewart, Stockwell, Taber, Waters, and Zenor—26.

So the Senate refused to go into committee of the whole.

Mr. Hamer presented the petition of Brice Smith and others, to change the name of Frances Ann Fisher to Frances Ann Smith; which,

On motion by Mr. Hamer,

Was referred to a select committee composed of Messrs. Hamer, Logan, and Read.

On motion by Mr. Howell,

The Senate adjourned.

SATURDAY MORNING, DECEMBER 12, 1846.

The Senate assembled.

The journal of the preceding day was read.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill thereof:

No. 1. An act for the extension of the time of holding the probate courts in the counties of Putnam, St. Joseph, Lawrence, Harrison, and Wayne.

In which the concurrence of the Senate is respectfully requested.

The President laid before the Senate the report of the trustees for the education of the blind of this State; which,

On motion by Mr. Holloway,

Was laid upon the table, and 1,000 copies ordered to be printed for the use of the Senate.

Mr. Zenor presented the petition of David T. Baggerly, of Harrison county, praying for a divorce;

Which was,

On motion by Mr. Zenor,

Referred to a select committee composed of Messrs. Zenor, Miller, and Logan.

Mr. Parks presented the petition of Rebecca Goble, for a divorce; which,

On motion by Mr. Parks,

Was referred to a select committee composed of Messrs. Parks, Berry of Monroe, and Allison.

Mr. Marsh presented the petition of sundry citizens of Noble county, praying for the divorce of Martha Warner from James F. Warner; which,

On motion by Mr. Marsh,

Was referred to a select committee composed of Messrs. Marsh, Cuppy, and Rockhill.

Mr. Milliken presented the petition of sundry citizens, for the increase of the number of pilots at the falls of the Ohio river, on the Indiana side; which,

On motion by Mr. Milliken,

Was referred to a select committee consisting of Messrs. Milliken, Davis, and Zenor.

Mr. Stockwell presented the petition of Christian Schwertfeger, for a divorce; which,

On motion by Mr. Stockwell,

Was referred to a select committee composed of Messrs. Stockwell, Edmonston, and Howell.

Mr. Berry of Franklin, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred a bill entitled "A bill to amend an act entitled 'an act to incorporate the city of Richmond, Wayne county, Indiana,' approved February 20, 1840," have had that subject under consideration, and respectfully recommend its reference to the judiciary committee.

Which report was concurred in, and the bill referred accordingly.

Mr. Edmonston, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of B. B. Edmonston and others, on the subject of a jail in Dubois county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 21. A bill directing a *nolle prosequi* to be entered in the Dubois circuit court.

Which was read a first time; and,

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Edmonston offered the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, proceed to the election of Treasurer and Auditor of State, on this day, at half past two o'clock, P. M.

Which resolution was adopted.

Mr. Logan offered the following resolution:

Resolved, That the committee on military affairs are hereby instructed, if they come to the conclusion to revise, amend, and alter the act entitled "An act to organize and regulate the militia of the State of Indiana," approved January 10th, 1831, to so provide in said revision, that it shall be the duty of every white male person over the age of eighteen and under forty-five years of age, to perform militia duty four days in each year, to-wit: A company muster, in the month of April; one battalion muster, in the month of May; a company muster, in the month of September;

a regimental muster, in the month of October; and a regimental drill muster, in the month of August.

Which was adopted.

Mr. Miller offered the following resolution:

Resolved, That the committee on military affairs inquire into the expediency of altering the present militia law, so as to penalise officers and soldiers to do their duty according to rank, and that each soldier perform their own duty in person.

Which was adopted.

Mr. Murphey offered the following resolution:

Resolved, That the committee on the judiciary be requested to inquire into the expediency of so amending the laws now in force in this State, regulating the sale of real and personal property on execution, that where any execution or order of sale may issue upon any judgment, order, or decree, where the same may have been rendered, upon any contract, the consideration whereof shall arise from and after the first day of June, 1847, there shall be no appraisement of any property, either real or personal, levied upon by virtue of such execution or order of sale; and that they report by bill or otherwise.

The ayes and noes being demanded by Messrs. Murphey and Howell,

Those who voted in the affirmative are,

Messrs. Allison, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Goodenow, Hamer, Hamrick, Hardin, Holloway, Logan, Morgan, Murphey, Orth, Osborn, Read, Rockhill, Stewart, Stockwell, Taber, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Coats, Conner, Cuppy, Day, Edmonston, English, Handy, Henry, Howell, Jackson, Marsh, Miller, Milligan, Milliken, Montgomery, Robinson, Simpson, Verbriek, and Waters—22.

So the resolution was adopted.

Mr. Marsh offered the following resolution:

Resolved, That the Senate will, the House concurring therein, go into the election of President Judge of the eighth judicial circuit, to-day at eleven o'clock.

Which resolution was adopted.

Mr. Stewart offered the following resolution:

Resolved, That in the opinion of this Senate, it is inexpedient,

improper, and impolitic for the Legislature to grant divorces in any case, where the courts of the State of Indiana have jurisdiction.

Mr. Handy moved to lay the resolution upon the table.

The ayes and noes being called for by Messrs. Handy and Murphey,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Coffin, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Marsh, Miller, Milligan, Montgomery, Osborn, Read, Rockhill, Taber, Waters, Winchell, and Zenor—25.

Those who voted in the negative are,

Messrs. Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Conner, Goodenow, Hamer, Hamrick, Holloway, Logan, Milliken, Morgan, Murphey, Orth, Robinson, Stewart, Stockwell, and Verbriek—21.

So the resolution was laid upon the table.

Mr. Milliken offered the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the law on highways, that it shall be the duty of supervisors of roads to keep in repair in their respective road districts, all private roads which are outlets from dwellings, provided that the person or persons for whose benefit such road or roads were made, pay sufficient road tax to accomplish the same.

Which was not adopted.

Mr. Handy offered the following resolution:

Resolved, That the committee on education be requested to inquire into the expediency of revising the common school laws.

Which was adopted.

Mr. Robinson offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of organizing one or more new judicial circuits in the State of Indiana; and that they have leave to report by bill or otherwise.

Which was adopted.

Mr. Taber introduced,

No. 22. A bill to amend an act for the relief of purchasers of canal lands, approved January 19th, 1846;

Which was read a first time; and,

On motion by Mr. Taber,

The rules were suspended, and the bill read a second time; when,

On motion by Mr. Hamrick,

It was referred to the committee on the judiciary.

Mr. Berry of Monroe introduced,

No. 23. A bill to repeal so much of the third section of an act entitled "An act fixing the time of holding the courts in the ninth judicial circuit," as relates to docket fees;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time.

Mr. Orth moved to refer the bill to the committee on unfinished business;

Which motion did not prevail.

The bill was then ordered to be engrossed for a third reading.

ORDERS OF THE DAY.

No. 4. A bill to revive an act entitled "An act to locate a State road from Point Commerce, in Greene county, to the feeder dam on Eel river, in Clay county," approved January 20th, 1846;

Which was read a third time and passed.

No. 6. A bill to change the time of holding the circuit courts in the county of Wells, and for other purposes;

Which was read a third time and passed.

BILLS ON SECOND READING.

No. 20. A bill in relation to compensating supervisors of roads and highways, and repealing an act therein named;

Which was read a second time.

Mr. Edmonston moved to refer said bill to the committee on roads.

Mr. Milliken proposed to instruct said committee to strike out three years, and insert one or two years, as the committee may deem expedient.

Mr. Handy called for a division of the question;

Which was ordered by the Senate.

The question then recurring upon referring the bill to the committee on roads,

It was decided in the affirmative.

The question then being upon the instructions proposed by Mr. Milliken,

The same were refused by the Senate.

No. 18. A bill to repeal a joint resolution therein named;

Said bill was read a second time, and ordered to be engrossed for a third reading.

No. 17. A bill to amend an act entitled "An act to authorize the sale of school lands in township number two south, of range one west, in the county of Crawford," approved December 31st, 1845;

Which was read a second time; and,

On motion by Mr. Handy,

Referred to the committee on education.

No. 14. A bill authorizing the auditor of Henry county to sell a certain tract of land therein named;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 15. A bill to change the time of holding probate courts, at the August term, in Greene county;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 13. A bill to repeal certain special laws in force in the 11th judicial circuit;

Which was read a second time.

On motion by Mr. Milligan,

The bill was referred to a select committee consisting of Messrs. Milligan, Day, and Berry of Franklin.

No. 12. A bill in relation to the execution of decrees in chancery;

Which was read a second time; and,

On motion by Mr. Taber,

Was referred to the committee on the judiciary.

No. 11. A bill to legalize the adjournment of the Decatur circuit court, at the fall term, 1846;

No. 10. A bill to provide for the publication of certain acts of the last session of the Legislature, which were not printed with the acts of that session;

Mr. Bowers moved to refer the bill to a select committee.

Mr. Orth proposed to instruct the committee to compare the laws that were passed last session with those that were published, and insert all laws that were thus passed and not published.

Said instructions were adopted, and the bill with said instructions referred to a select committee consisting of Messrs. Bowers, Orth, and Montgomery.

The message of the House was taken up.

No. 1. A bill for the extension of the time of holding the probate courts in the counties of Putnam, St. Joseph, Lawrence, Harrison, and Wayne;

Which was read a first time.

On motion by Mr. Hamrick,

The rules were suspended, and the bill read a second time.

Mr. Parks moved to amend said bill by extending its provisions to Morgan county;

Which amendment was adopted.

Mr. Orth moved to amend said bill by extending its provisions to Tippecanoe county;

Mr. Davis, to Floyd;

Mr. English, to Jackson;

Mr. Stewart, to Marion;

Which amendments were adopted.

Mr. Hamer moved to refer said bill to the committee on the judiciary, with instructions to make the provisions thereof general;

Which motion did not prevail.

The bill was then ordered to a third reading.

Mr. Hamer moved that the Senate resolve itself into committee of the whole on the message of his Excellency the Governor;

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Clements, Davis, Goodenow, Hamer, Hamrick, Halloway, Miller, Milliken, Morgan, Montgomery, Orth, Osborn, Read, Robinson, Simpson, and Winchell—17.

Those who voted in the negative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Coffin, Conner, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Milligan, Murphey, Parks, Rockhill, Stewart, Stockwell, Taber, Verbriek, Waters, and Zenor—31.

So the Senate refused to go into committee of the whole.

On motion by Mr. Miller,
The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the reports of the Branches of the State Bank at Fort Wayne and Lawrenceburgh.

On motion by Mr. Edmonston,

They were referred to the committee on the State Bank.

The President laid before the Senate the report of the Commissioners of the Sinking Fund; which,

On motion by Mr. Logan,

Was referred to the committee on the State Bank.

Mr. Coats introduced,

No. 24. A bill providing for the payment of damages assessed or to be assessed for private property taken for public use, in the construction of the Wabash and Erie canal;

Which was read a first time.

On motion by Mr. Coats,

The rules were suspended, and the bill read a second time; and,

On motion by Mr. Marsh,

Was referred to the committee on canals and internal improvements.

Mr. Miller, on leave being granted, presented the petition of Markum Holland, praying for a divorce; which,

On motion by Mr. Miller,

Was referred to a select committee consisting of Messrs. Miller, Zenor, and Logan.

Mr. Berry of Franklin offered the following resolution:

Resolved, That the committee on the judiciary be requested to inquire into the expediency of designating by law the proper person to receive balances due from administrators, executors, and guardians, to non-residents.

Which resolution was adopted.

On motion,

The Senate adjourned.

MONDAY MORNING, DECEMBER 14, 1846.

The Senate assembled.

The journal of the preceding day was read.

The President laid before the Senate the reports of the Branches of the State Bank at Terre Haute and Evansville.

On motion by Mr. Hamrick,

They were referred to the committee on the State Bank.

The President laid before the Senate the communication of his Excellency, notifying the Senate of the appointment of James M. Hanna, as his private secretary.

Mr. Read presented a communication from the pilots at the falls of the Ohio; and,

On his motion,

It was referred to the select committee upon that subject heretofore appointed.

Mr. Hamrick presented the petition of Abram Gearhard, for a divorce; which,

On motion by Mr. Hamrick,

Was referred to a select committee composed of Messrs. Hamrick, Handy, and Coffin.

Mr. Milligan presented the petition of sundry citizens of Wells and Jay counties, for a charter for a corporation to be styled the Upper Wabash Canal Company; which,

On motion by Mr. Milligan,

Was referred to a select committee composed of Messrs. Milligan, Berry of Franklin, and Day.

Mr. Green presented the petition of sundry citizens of Posey township, in Switzerland county, praying for the annexation of said township of Posey to the county of Ohio; which,

On motion by Mr. Green,

Was referred to a select committee composed of Messrs. Green, Milliken, and Berry of Franklin.

Mr. Green presented the petition of members of Patriot Lodge, No. 9, of Odd Fellows, praying an amendment of the charter of the Grand Lodge, so as to incorporate the subordinate lodges; which,

On motion by Mr. Green,

Was referred to the committee on corporations.

Mr. Osborn presented the petition of Theodore F. Ellis, of Laporte county, for a divorce; which,

On motion by Mr. Osborn,

Was referred to the judiciary committee.

Mr. Robinson, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill No. 7 of the Senate, entitled "An act relating to the office of auditor of Union county," have examined the provisions of said bill, and have directed me to report the same back to the Senate, and recommend its passage.

Said bill was then read a second and third times and passed.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill No. 9, entitled "A bill for the relief of Joseph Dickey and David Quinn," have, according to order, had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

Which bill was read a second time, and engrossed for a third reading.

Mr. Hamer, chairman of a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Brice Smith and others, to change the name of Frances Ann Fisher, have had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 25. A bill to change the name of Frances Ann Fisher.

Which was read a first time, and ordered to a second reading.

Mr. Parks, chairman of a select committee, made the following report:

MR. PRESIDENT:

The committee to whom was referred the petition of Rebecca Goble, have had that subject under consideration, and a majority have directed me to report the following bill, and recommend its passage:

No. 26. A bill for the relief of Rebecca Goble.

Which was read a first time, and ordered to a second reading.

The following message was received from the House of Representatives, by Mr. Ward, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the Speaker of the House of Representatives has signed the following enrolled bill thereof:

No. 2. An act to authorize the judges of the Lawrence circuit and probate courts to devise new seals for their respective courts.

And that the signature of the President of the Senate is respectfully requested thereto.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have reciprocated the resolutions of the Senate, fixing the time for the election of Auditor and Treasurer of State, and also for the election of President Judge of the eighth judicial circuit, with an amendment:

S S

Strike out the words "this day," and "to-day," in said resolutions, and insert "Tuesday next."

In which amendments the concurrence of the Senate is respectfully requested.

Mr. Edmonston moved to lay the message on the table;

The ayes and noes being demanded by Messrs. Orth and Edmonston,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Miller, Milligan, Milliken, Parks, Read, Stewart, and Stockwell—20.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Marsh, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Rockhill, Simpson, Taber, Verbrike, Waters, Winchell, and Zenor—29.

So the motion to lay upon the table did not prevail.

Mr. Handy moved to concur with the amendments of the House, so far as relates to the election of Auditor and Treasurer of State, and to so amend as to the election of President Judge, as to strike out 11 o'clock, and insert 3 o'clock on Tuesday;

Which motion did not prevail.

On motion by Mr. Hamrick,

The amendments of the House were concurred in.

Mr. Orth offered the following resolution:

Resolved, That the General Superintendent of the Wabash and Erie canal be requested to inform the Senate, whether there is a sufficiency of water in said canal, at and near the town of Americus, to justify the State in leasing a portion thereof at that point, for the purpose of propelling a grist mill.

Which resolution was adopted.

Mr. Hamrick offered the following resolution:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of enacting a law, exempting all the property both real and personal, belonging to the Indiana volunteers, now in the service of the United States in Mexico, from sale for taxes, until the time of service of the said volunteers shall have expired, or until they return home; and that the taxes due and owing from such of said volunteers as may have died, or that may hereafter

die or be killed in the service aforesaid, be stricken from the duplicates of the several counties in this State; providing also that the certificate of any officer of said volunteers to that effect, shall be sufficient evidence of the death of such volunteers, to the several county auditors to strike from the tax duplicate the amount of taxes charged to such deceased volunteers; with leave to report by bill or otherwise.

Which resolution was adopted.

Mr. Handy offered the following resolution:

Resolved, That the committee on canals and internal improvements be requested to inquire into the expediency of authorizing the Treasurer and Auditor of State to sell to the highest bidder, the northern division of the Central canal.

Which resolution was adopted.

Mr. Verbrike offered the following resolution:

Resolved, That the committee on military affairs be instructed to inquire what corresponding benefit (if any there be) the State will derive by reviving the military law, requiring all able bodied men, between the ages of eighteen and forty-five years, to spend four days in each year, in the most busy season of the year, in training or mustering.

And further, allowing fifty thousand able bodied men (which is a moderate estimate for this State) to be stopped from labor, calculating the loss of time at fifty cents per day, (which is also reasonable), and you have the round sum of one hundred thousand dollars per year, to balance against an imperfect training of the militia; and in nine cases out of ten, what they now learn will have to be unlearned when mustered into service.

And further, to inquire whether at the present time, it would not be good policy in this Legislature to refrain from binding any further burthens upon the people, until by a united effort, we redeem the credit of the State, by the discharge of our indebtedness; with leave to report by bill or otherwise.

Which resolution was adopted.

Mr. Hamrick introduced,

No. 27. A joint resolution on the subject of the Cumberland road;

Which was read a first time, and ordered to a second reading.

Mr. Berry of Monroe introduced,

No. 28. A joint resolution to the Congress of the United States, on the subject of increasing the monthly pay and making a donation of land to the volunteers in the Mexican war.

Which was read a first time.

On motion by Mr. Ellis,

The rules were suspended, and the joint resolution read a second and third times.

On the passage of said resolution,
The ayes and noes being called for by Messrs. Orth and Ellis,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Cuppy, Davis, Day, Ellis, Edmonston, English, Goodenow, Green, Hamer, Hamrick, Handy, Hardin, Henry, Holloway, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbriek, Waters, and Winchell—48.

No Senator voted in the negative.

So the joint resolution was passed.

Mr. Parks introduced,

No. 29. A bill for the benefit of the volunteers for the Mexican war, and for the relief of county treasurers;

Which was read a first time, and ordered to a second reading.

Mr. Beard introduced,

No. 30. A bill to amend the execution laws of the State;

Which was read a first time.

On motion by Mr. Beard,

The rules were suspended, and the bill read a second time, and referred to the judiciary committee.

Mr. Jackson introduced,

No. 31. A bill providing for a special term of the Madison circuit court;

Which was read a first time.

On motion by Mr. Jackson,

The bill was read a second and third times and passed.

Mr. English introduced,

No. 32. A bill to repeal the 271st section of the 30th chapter of the Revised Statutes of 1843, and for other purposes;

Which was read a first time.

On motion by Mr. English,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

Mr. Murphey introduced,

No. 33. A bill to authorize the Governor of this State to order a special election for Representatives in Congress in certain cases;

Which was read a first time, and ordered to a second reading.

By leave of the Senate,

Mr. Cuppy, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of sun-

dry citizens of Whitley county, on the subject of the road tax in said county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 34. A bill to extend the time of working out the road tax in the several counties therein named:

Which was read a first time, and ordered to a second reading.

ORDERS OF THE DAY.

No. 18. A bill to repeal a joint resolution therein named;

Which was read a third time and passed.

No. 23. A bill to repeal so much of the third section of an act entitled "An act fixing the time of holding the courts in the ninth judicial circuit," as relates to docket fees;

Which was read a third time and passed.

No. 11. A bill to legalize the adjournment of the Decatur circuit court, at the fall term, 1846;

Which was read a third time and passed.

No. 15. A bill to change the time of holding probate courts, at the August term, in Greene county;

Which was read a third time and passed.

No. 14. A bill authorizing the auditor of Henry county to sell a certain tract of land therein named;

Which was read a third time and passed.

No. 1. A bill (of the House) for the extension of the time of holding the probate courts in the counties of Putnam, St. Joseph, Lawrence, Harrison, and Wayne;

Which was read a third time and passed.

On motion by Mr. Orth,

The title of said bill was so changed as to read, "A bill to change the time of holding probate courts in certain counties therein named."

Mr. Osborn introduced the claim of J. P. Smith; which,

On his motion,

Was referred to the committee on claims.

On motion,

The Senate adjourned.

2 o'clock, P. M.

Senate met.

Mr. Berry of Franklin introduced,

No. 34. A bill for the relief of certain heirs;

Which was read a first time.

On motion by Mr. Berry of Franklin,
The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

The President laid before the Senate the report of the Warden of the State Prison; which,

On motion by Mr. Ellis,

Was laid upon the table, and 500 copies ordered to be printed for the use of the Senate.

The President laid before the Senate the report of the President of the State Bank; which,

On motion by Mr. Davis,

Was laid upon the table, and 500 copies ordered to be printed for the use of the Senate.

Mr. Parks, on leave granted, introduced,

No. 35. A bill to provide for the election of township assessors in certain counties therein named, and defining their duties;

Which was read a first time, and ordered to a second reading.

Mr. Handy, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the Senate No. 17, entitled "A bill to amend an act entitled 'an act to authorize the sale of school lands in township two south, of range one west, in the county of Crawford,' approved December 31st, 1845," have had that matter under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

The bill was read a second time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a third time, and passed.

The following message from the House of Representatives was then taken up:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have passed the following engrossed bill thereof:

No. 16. An act to legalize the acts of the board of commissioners of the county of Grant.

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time.

On motion by Mr. Winchell,

The rules were suspended, and the bill read a second and third times and passed.

The President appointed the following Senators as tellers on the part of the Senate:

In the election of President Judge, Messrs. Handy and Murphey.

In the election of Auditor of State, Messrs. Winchell and Hardin.

In the election of Treasurer of State, Messrs. English and Holloway.

On motion by Mr. Hamrick,

The Senate resolved itself into a committee of the whole on the annual message of his Excellency the Governor; Mr. Allison in the chair.

And after some time spent in consideration thereof, the committee rose;

The President resumed the chair, and the chairman reported that the committee had, according to order, had the said message under consideration, and had adopted the following resolutions;

In which he was directed to ask the concurrence of the Senate.

Resolved, That all matters pertaining to the State Prison, whether found in the Governor's message or not, be referred to the committee on the State Prison.

Resolved, That so much of the Governor's message as relates to the school laws, be referred to the committee on education.

Resolved, That so much of the Governor's message as refers to the militia, be referred to the committee on military affairs.

Resolved, That so much of the Governor's message as relates to a thorough and searching reform in our county expenditures, and the policy of providing for the growing amount of our special and local legislation, by transferring by means of general laws, the necessary powers to other and more appropriate tribunals, be referred to a select committee to be composed of one Senator from each congressional district, with instructions to report by bill or otherwise.

Resolved, That so much of the Governor's message as relates to the report of the Quartermaster General, be referred to the committee on military affairs.

Resolved, That so much of the Governor's message as relates to the additional compensation of the Adjutant General, for past services, be referred to the committee on finance.

Resolved, That so much of the Governor's message as advocates the doctrine of free trade, in opposition to the protection of American industry, be referred to the committee on finance.

Resolved, That so much of the Governor's message as relates to the adjustment of the State debt, be referred to the committee on finance.

Resolved, That so much of the Governor's message as relates to a circular from the Secretary of the Treasury of the United States, asking for statistical information in relation to agriculture and manufactures, be referred to the committee on agriculture.

Resolved, That so much of the Governor's message as relates to the jurisdiction of justices of the trial of petty misdemeanors, be referred to the committee on the judiciary.

Resolved, That so much of the Governor's message as refers to the decreased expenditures of the State, be referred to a select committee.

Resolved, That so much of the Governor's message as relates to his *opinion* as to the call by the people for a convention to amend the constitution, be referred to the committee on the judiciary.

Resolved, That so much of the Governor's message as relates to the free trade system, be referred to the committee on agriculture.

Resolved, That so much of the Governor's message as relates to the selection of lands for the Wabash and Erie canal, be referred to the committee on canals and internal improvements.

The Senate concurred in the forgoing resolutions adopted in the committee of the whole.

On motion,
The Senate adjourned.

TUESDAY MORNING, DECEMBER 15, 1846.

The Senate met.

The journal of the preceding day was read.

The President laid before the Senate the reports of the Branch Banks at Lawrenceburgh and Fort Wayne; which,

On motion by Mr. Orth,
Was referred to the committee on the State Bank.

Mr. Stewart presented the petition of sundry German citizens, praying the Legislature to grant a share of the common school fund for the purpose of establishing public German schools, to instruct their children in the German language; which,

On motion by Mr. Stewart,
Was referred to the committee on education.

Mr. Davis presented the petition of Joel B. Cahoon, late of this State, now of Ohio, a contractor on the Jeffersonville and Crawfordsville road, praying an appropriation for the purpose of paying him a certain sum of money awarded him as damages, on account of his preparation for and the suspension of certain work undertaken by him on said road.

Mr. Robinson presented the petition of Stephen Greenleaf and others, praying an amendment of the charter of the Milford and Columbus railroad company; which,

On motion by Mr. Robinson,

Was referred to a select committee composed of Messrs. Robinson, Bowers, Handy, and Barbour.

Mr. Hamrick presented the petition of Elizabeth Lister, for a divorce; which,

On motion by Mr. Handy,

Was referred to a select committee composed of Messrs. Hamrick, Verbriek, and Handy.

Mr. Murphey presented the petition of Catharine Vickory, for a divorce; which,

On motion by Mr. Orth,

Was referred to the committee on the judiciary.

Mr. Rockhill presented the petition of sundry citizens, with accompanying documents, relative to the claim of Samuel Bigger, deceased, for revising the statutes; which,

On motion by Mr. Rockhill,

Was referred to the judiciary committee.

Mr. Hamrick, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred bill No. 5, of the Senate, have had the same under consideration, and have directed me to report the same back with two amendments, and upon the adoption of which, to recommend its passage.

First. To amend by inserting the word "five," in the last lines of the first and second sections, immediately after the word "twenty."

Second. To amend by adding the following section:

SEC. —. That hereafter it shall be the duty of persons applying for a new road, or for the change of the width of roads already established as contemplated by the second section of this act, to set forth in the notice and petition required by law, the width of the road applied for, and the board of commissioners, if they establish such road, or grant such change in the width, shall order the same to be opened the width prayed for by the petitioners, unless objections be made, and then to establish the width of such road as to them shall seem reasonable and proper.

Which amendments were concurred in.

Mr. Orth then proposed to amend so as to except and exclude the county of Tippecanoe, from the provisions of said bill;

Which amendment of Mr. Orth was adopted.

On motion by Mr. Marsh,

The counties of DeKalb, Steuben, Noble, and Lagrange, were also excepted and excluded.

On motion by Mr. Osborn,

The counties of Laporte, Porter, and Lake.

On motion by Mr. Miller,

The county of Crawford.

On motion by Mr. Cuppy,

The counties of Elkhart, Kosciusko, Whitley, and Huntington.

On motion by Mr. English,

The counties of Jackson, Scott, and Vermillion.

On motion by Mr. Allison,

The counties of Owen and Greene.

On motion by Mr. Howell,

The counties of Warrick, Spencer, and Perry.

On motion by Mr. Hamer,

The county of Lawrence.

On motion by Mr. Berry of Franklin,

The counties of Franklin, Blackford, Jay, Randolph, St. Joseph, Marshall, and Fulton.

On motion by Mr. Jackson,

The counties of Hancock and Madison.

On motion by Mr. Robinson,

The county of Decatur.

On motion by Mr. Conner,

The counties of Hamilton, Boone, and Tipton.

On motion by Mr. Henry,

The counties of Vigo, Sullivan, and Clay.

On motion by Mr. Stockwell,

The counties of Vanderburgh and Posey.

Mr. Parks moved to amend so as to except all the counties in the State.

Mr. Verbrike moved to lay the bill and amendment on the table;

Which motion prevailed.

Mr. Taber, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred the petition of John Kistler, have had the same under consideration, and directed me to report the accompanying bill, and to recommend its passage:

No. 36. A bill for the relief of John Kistler.

Which was read a first time, and ordered to a second reading.

Mr. Edmonston, chairman of the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred a bill of the Senate No. 24, entitled "A bill providing for the payment of damages assessed or to be assessed for private property taken for public use, in the construction of the Wabash and Erie canal," have had the same under consideration, and have directed me to report the same back to the Senate with an amendment, and recommend its passage.

Amend by adding:

SEC. —. In all cases where the person or persons in whose favor damages have been or may hereafter be assessed as aforesaid, shall elect to take the same in "canal land scrip," the said General Superintendent of the Wabash and Erie canal is hereby authorized to pay the same in "canal land scrip," at its fair cash value, to be agreed upon between the said General Superintendent and the person or persons receiving the same: *Provided*, That said canal land scrip shall not be paid out at a less rate than fifty cents to the dollar (its present value.)

Which report was concurred in, and the amendment adopted.

The bill as amended, was then read a second time, and ordered to be engrossed for a third reading.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have adopted the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives, *instantly*, for the purpose of electing a President Judge in the eighth judicial circuit; and that seats be provided for them on the right of the Speaker's chair.

Which was,

On motion by Mr. Howell,

Reciprocated by the Senate.

The Senate then repaired to the Hall of the House of Representatives, and proceeded in joint convention to the election of President Judge of the eighth judicial circuit.

And on counting the first ballot, it appeared that,

Horace P. Biddle received	- - - - -	68 votes.
John W. Wright received	- - - - -	71 votes.
Mr. Patterson received	- - - - -	6 votes.
Scattering,	- - - - -	3 votes.

No gentleman having received a majority of all the votes given, the Convention then proceeded to a second ballot;

And on counting the same, it appeared that,

Horace P. Biddle received	- - - - -	73 votes.
John W. Wright received	- - - - -	71 votes.
Scattering,	- - - - -	4 votes.

No gentleman having received a majority of all the votes given, the Convention proceeded to a third balloting;

And on counting the same, it appeared that,

H. P. Biddle received	- - - - -	73 votes.
J. W. Wright received	- - - - -	73 votes.
Scattering,	- - - - -	2 votes.

No gentleman having received a majority of all the votes given, the Convention proceeded to a fourth balloting;

And on counting the same, it appeared that,

Horace P. Biddle received	- - - - -	74 votes.
John W. Wright received	- - - - -	73 votes.
Scattering,	- - - - -	1 vote.

No gentleman having received a majority of all the votes given, the Convention proceeded to a fifth balloting;

And on counting the same, it appeared that,

Horace P. Biddle received	- - - - -	76 votes.
John W. Wright received	- - - - -	71 votes.
Blank,	- - - - -	1 vote.

Horace P. Biddle, having received a majority of all the votes cast, the President of the Convention pronounced him duly elected President Judge of the eighth judicial circuit, to serve as such for the term of seven years, from and after the 27th day of February next.

The President then pronounced the Convention adjourned.

The Senate returned to their chamber; and,

On motion,

The Senate adjourned.

2 o'clock, P. M.

Senate met.

Mr. Logan offered the following resolution:

Resolved, That the committee on military affairs be authorized to employ a clerk, and such other assistance as they may deem necessary, in the discharge of their duties, and that they be allowed access to all the military records of the State at the seat of government.

Which resolution was not adopted.

Mr. Clements offered the following resolution:

Resolved, That, whereas, there is much complexity in the 13th chapter of the Revised Statutes of 1843, so far as relates to the duties of county auditor and school commissioner of the several counties of this State, in selling lands, after they are bid in for and on account of the school fund, and that the same may be made plain for the guidance of said officers, the judiciary committee are hereby instructed, to revise and amend said 13th chapter of said Revised Code; and report by bill or otherwise.

Which was adopted.

Mr. Hamrick, on leave, introduced,

No. 37. A bill changing the mode of electing county surveyors; Which was read a first time, and ordered to a second reading.

Mr. Coats introduced,

No. 38. A bill to amend the law on the settlement of intestates' estates;

Which was read a first time; when,

On motion by Mr. Coats,

The rules were suspended, and the bill read a second time, and referred to the judiciary committee.

On motion by Mr. Robinson,

The Senate took up bill No. 9, for the relief of Joseph Dickey and David Quinn;

Which was read a third time and passed.

ORDERS OF THE DAY.

No. 29. A bill for the benefit of the volunteers for the Mexican war, and for the relief of county treasurers;

Which was read a second time; and,

On motion by Mr. Ellis,

Referred to the committee on finance.

No. 33. A bill to authorize the Governor of this State to order a special election for Representatives in Congress in certain cases;

Which was read a second time; and,

On motion by Mr. Edmonston,

Referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr. Ward, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House have adopted the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives, *instantly*, for the purpose of electing an Auditor of State, and Treasurer of State; and that seats be provided for them on the right of the Speaker's chair.

Which was,

On motion by Mr. Davis,
Reciprocated by the Senate.

The Senate then repaired to the Hall of the House of Representatives, and proceeded in convention with the House, to the election of a Treasurer of State;

And on counting the first balloting, it appeared that,

Samuel Hanna received	- - - - -	74 votes.
Royal Mayhew received	- - - - -	73 votes.
Blank,	- - - - -	1 vote.

No gentleman having received a majority of all the votes given, the Convention proceeded to a second balloting;

And on counting the same, it appeared that,

Samuel Hanna received	- - - - -	74 votes.
Royal Mayhew received	- - - - -	74 votes.

No gentleman having received a majority of all the votes given, the Convention proceeded to a third balloting;

And on counting the same, it appeared that,

Samuel Hanna received	- - - - -	76 votes.
Royal Mayhew received	- - - - -	72 votes.

Mr. Hanna having received a majority of all the votes given, the President of the Convention pronounced him duly elected Treasurer of State for the term of three years, from and after the expiration of the term of service of the present incumbent.

The Convention then proceeded to the election of an Auditor of State;

And on counting the first balloting, it appeared that,

Douglas Maguire received	- - - - -	72 votes.
Horatio J. Harris received	- - - - -	73 votes.
Scattering,	- - - - -	3 votes.

No gentleman having received a majority of all the votes given, the Convention proceeded to a second balloting;

And on counting the same, it appeared that,

Douglas Maguire received	- - - - -	75 votes.
Horatio J. Harris received	- - - - -	71 votes.
Blank,	- - - - -	1 vote.

Douglas Maguire having received a majority of all the votes given, the President of the Convention declared him to be duly elected Auditor of State, to serve as such for and during the term of three years from and after the expiration of the term of service of the present incumbent.

The President then pronounced the Convention adjourned.

The Senate returned to their chamber; and,

On motion,

The Senate adjourned.

WEDNESDAY MORNING, DECEMBER 16, 1846.

The Senate met.

The journal of the preceding day was read.

The President laid before the Senate the exhibit of the Sinking Fund; which,

On motion by Mr. Zenor,

Was referred to the committee on the State Bank.

The President laid before the Senate the report of the Branch at Richmond of the State Bank; which,

On motion by Mr. Edmonston,

Was referred to the committee on the State Bank.

Mr. Ellis presented the petition of John Soden, of Knox county, for a divorce; which,

On motion by Mr. Ellis,

Was referred to the judiciary committee.

Mr. Read presented the remonstrance of sundry citizens against increasing the number of pilots at the falls of Ohio;

Which was read; and,

On motion by Mr. Read,

Referred to the select committee heretofore appointed on the same subject.

On motion by Mr. Milliken,

Mr. Read was added to said committee.

Mr. Davis presented the petition of sundry citizens of Floyd county, in relation to the increase of pilots at the falls of Ohio; which,

On motion by Mr. Davis,

Was referred to the committee on the same subject.

Mr. Parks, as chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred resolution of the Senate on the subject of letting out the public printing to the lowest bidder, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 39. A bill to authorize the letting out of the public printing to the lowest bidder.

Which was read a first time, and ordered to a second reading.

Mr. Clements from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to which was referred bill of the Senate No. 1, entitled "A bill to define the mode of advertising the delinquent list," have had the same under consideration, and have directed me to make the accompanying amendment, and recommend its passage:

To amend, by adding after the word "year," in the nineteenth line, the following:

Provided, That should there be no paper published in any of said counties, it shall only be necessary to post up manuscript copies as aforesaid.

Which amendment was adopted.

The bill was then read a second time.

Mr. Howell then moved to lay said bill on the table;

Which motion did not prevail.

Mr. Berry of Franklin moved to indefinitely postpone said bill and amendment;

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Coats, Coffin, Conner, Cuppy,

Davis, Day, Ellis, Halloway, Logan, Marsh, Morgan, Murphey, Orth, Robinson, Rockhill, Simpson, and Stewart—20.

Those who voted in the negative are,

Messrs. Allison, Berry of Monroe, Bradbury, Chenowith, Clements, Edmonston, English, Goodenow, Green, Hamer, Hamrick, Handy, Hardin, Howell, Jackson, Miller, Milligan, Milliken, Montgomery, Osborn, Parks, Read, Stockwell, Taber, Verbrike, Waters, Winchell, and Zenor—28.

So said bill and amendment were not indefinitely postponed.

Mr. Edmonston moved to lay said bill upon the table;

Which motion prevailed.

Mr. Osborn, chairman of the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to which was referred Senate bill No. 19, entitled "A bill to incorporate Anderson's Collegiate Institute," have had the same under consideration, and have instructed me to report it back to the Senate without amendment, and recommend its passage; and said committee ask to be discharged from the further consideration thereof.

Mr. Marsh moved to recommit said bill to the committee on corporations;

Which motion did not prevail.

Mr. Berry of Franklin moved to amend the bill by adding the following section:

Provided nothing in this act shall be so construed as to release the property of John B. Anderson from taxation, the same as though this act did not exist.

Which amendment was not adopted.

Mr. Logan moved to reconsider the vote on recommitting said bill to the committee on corporations;

Which motion did not prevail.

Said bill was then ordered to be engrossed for a third reading.

Mr. Stockwell, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Christian Schwertfeger, for a divorce, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage:

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No. 40. A bill to divorce Christian Schwertfeger and wife.

Which was read a first time, and ordered to a second reading.

Mr. Miller, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Markem Hollen, of Crawford county, praying to be divorced from his wife, Rachael Hollen, have had the same under consideration, and a majority of said committee have directed me to report the same back to the Senate with the following bill, and recommend its passage:

No. 41. A bill to dissolve the bonds of matrimony between Markem Hollen and Rachael Hollen his wife.

Which was read a first time, and ordered to a second reading.

Mr. Milligan, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred bill of the Senate No. 13, entitled "A bill to repeal certain special laws in force in the eleventh judicial circuit," have had the same under consideration, and directed me to report it back to the Senate with one amendment, which, when adopted, they recommend its passage.

Amend, by excepting Jay and Blackford counties from the provisions of the bill.

Which report was concurred in, and the amendment adopted.

On motion by Mr. Winchell,

The rules were suspended, and the bill read a third time and passed.

Mr. Zenor, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of David T. Baggerly, praying to be divorced from his wife, Nancy Baggerly, have had the same under consideration, and a majority of said committee have directed me to report the following bill, and recommend its passage:

No. 24. A bill to dissolve the bonds of matrimony between David T. Baggerly and Nancy Baggerly, his wife.

Which was read a first time, and ordered to a second reading.

Mr. Davis offered the following resolution:

Resolved, That the State Printer be requested to inform the Senate, at as early a day as convenient, whether the amount now allowed by law for doing the State Printing, is a just and fair price for the same, and whether the State Printing can be well done for a less price than is now paid therefor, and the printer be fairly and justly paid for his labor.

Which was adopted.

Mr. Beard offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, for arresting and holding to bail, absconding debtors, where said debts are not yet due; with leave to report by bill or otherwise.

Which was adopted.

Mr. Verbriek offered the following resolution:

Resolved, That the committee on internal improvements be instructed to inquire into the expediency of enacting a law, requiring applicants for damages on the several public works in this State, in order to have said claims properly tested, to make oath or affirmation before some justice of the peace having competent jurisdiction, first, that said land is not as valuable now, taking all things into consideration, as it would have been had not the public work run through said land; and whether the ready cash market for all their surplus does not compensate them for the loss sustained by the location of said public work; the committee taking into consideration at the same time that those who live near said public works, sell their wheat for forty-five cents per bushel, while those farmers who live sixty or a hundred miles from market have to haul theirs' that distance, and get no more; and that yet they must be taxed to pay for those damages so frequently called for; with leave to report bill or otherwise.

Which resolution was adopted.

Mr. Clements offered the following resolution:

Resolved, That the judiciary committee inquire into the expediency of so amending the 214th section of the Revised Acts of 1843, chapter 40, so that parties to suits may not be estopped by any rule of the common law, from pleading and showing the want or failure of consideration to any instrument (other than conveyances for land, and instruments negotiable by the law merchant.)

Which resolution was adopted.

Mr. Logan offered the following resolution:

Resolved, That the committee on finance be instructed to inquire into the expediency of passing a law by this General Assembly, requiring all holders of State Treasury notes, bearing six per cent. interest, to present them for payment and redemption at the State

Treasury, or at such other place or places as the Treasurer of State may provide and designate, on or before the — day of —, in the year 1848, and that all notes not presented for such purpose on or before that time, shall cease to bear interest thereafter; and that the said committee have leave to report by bill or otherwise.

Which was adopted.

Mr. Milliken introduced,

No. 43. A bill to amend an act entitled "An act to enable the township of Lawrenceburgh, in Dearborn county, to turnpike all the roads within the same," approved January 20th, 1846;

Which was read a first time, and ordered to a second reading.

Mr. Allison introduced,

No. 44. A bill to amend an act entitled "An act prescribing the mode of advertising sales of lands returned delinquent for the non-payment of taxes," approved January 19th, 1846;

Which was read a first time, and ordered to a second reading.

Mr. Osborn introduced,

No. 45. A bill to authorize clerks of circuit courts to issue writs to other counties in certain cases;

Which was read a first time, and ordered to a second reading.

ORDERS OF THE DAY.

No. 24. A bill providing for the payment of damages assessed or to be assessed for private property taken for public use, in the construction of the Wabash and Erie canal.

Mr. Robinson moved to recommit said bill, with instructions to amend it as follows:

First. Strike out of the first section of said bill these words "or hereafter may be," which words occur in the third line of said section.

Second. Amend by striking out of the second line of section second the words "or hereafter may be."

Third. Strike out all the second section, after the word "scrip," in the fifth line.

Pending which,

On motion,

The Senate adjourned.

2 o'clock, P. M.

Senate met.

Mr. Robinson moved a call of the Senate;

Which was ordered.

Mr. Handy moved that Mr. Henry be excused from attendance, on account of sickness;

Which motion prevailed.

On motion by Mr. Montgomery,

The further call of the Senate was dispensed with.

The Senate resumed the consideration of the motion of Mr. Robinson, to recommit bill No. 24 to the committee on canals and internal improvements, pending at the last adjournment;

Which motion did not prevail.

Mr. Ellis moved to recommit said bill to the committee on canals and internal improvements with instructions to strike out all that relates to the payment of damages in scrip.

Mr. Orth called for a division of the question;

Which was ordered.

The question then being on the recommitment of said bill,

It was decided in the affirmative.

The question then being on reference to the committee on canals and internal improvements,

It was decided in the negative.

On motion by Mr. Orth,

The bill with said instructions was recommitted to a select committee, consisting of Messrs. Ellis, Orth, and Robinson.

Leave being granted,

Mr. Milliken, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred sundry petitions and remonstrances on the subject of pilots at the falls of the Ohio, have had the same under consideration, and a majority of the same have directed me to report the accompanying bill:

No. 46. A bill to increase the number of pilots at the falls of the Ohio river.

Which was read a first time, and ordered to a second reading.

Mr. Davis, on leave, offered the following resolution:

Resolved, That the Agent of State be requested to furnish the Senate with the copy of the award in favor Joel B. Cahoon against the State, if the same be on file in his office.

Which was adopted.

Mr. Orth, on leave, made the following report, from a select committee:

MR. PRESIDENT:

The select committee to which was referred bill of the Senate No. 24, with instructions, have requested me to report that they

have amended said bill, by striking out the second section thereof—that section embracing all that relates to the payment in scrip.

Which report was concurred in, and the amendment adopted.
The question then being on the passage of the bill as amended,
And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Davis, Day, Ellis, Edmonston, Goodenow, Green, Hamer, Hamrick, Hardin, Holloway, Howell, Jackson, Marsh, Milligan, Milliken, Montgomery, Murphey, Orth, Osborn, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbrike, Waters, and Winchell—39.

Those who voted in the negative are,

Messrs. Conner, English, Handy, Logan, Miller, Morgan, and Robinson—7.

So the bill was passed.

The President laid before the Senate the report of the Commissioners of the Indiana Hospital for the Insane.

Mr. Coffin moved that the report be laid on the table, and 100 copies printed for the use of the Senate.

Mr. Montgomery moved to amend by inserting 250 copies.

Which amendment prevailed;

And said report was laid on the table, and said printing ordered.

On motion,

The Senate adjourned.

THURSDAY MORNING, DECEMBER 17, 1846.

The Senate assembled.

The journal of the preceding day was read.

Mr. Clements presented the petition of Celia Loudon, for a divorce; which,

On motion by Mr. Clements,

Was referred to a select committee composed of Messrs. Clements, Ellis, and Edmonston.

Mr. Waters presented the petition of Anthony Hasket, for relief;

Which was,

On motion by Mr. Waters,

Referred to a select committee composed of Messrs. Waters, Taber, and Coffin.

Mr. Murphey presented the petition of John B. Semans, and other editors, relative to prices of certain printing; which,

On motion by Mr. Murphey,

Was laid on the table.

Mr. Parks, as chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the Senate No. 29, on the subject of striking from the tax list the tax of the volunteers, have, according to order, had the same under consideration, and have instructed me to report the following amendment, and ask the concurrence of the Senate, and recommend its passage:

Amend by striking out after the word "treasurers," these words, "of the counties."

Said amendment was adopted.

Said bill was then ordered to be engrossed for a third reading.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 30, entitled "A bill to amend the execution laws of the State," after due deliberation thereon, have instructed me to report the same to the Senate, and recommend its indefinite postponement.

Which report was concurred in, and said bill indefinitely postponed.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of James W. Borden, James Blake, *et al.*, praying for relief to Mrs. Bigger, have had the same under consideration, and after a

careful examination of the subject, have unanimously instructed me to report the following bill, and respectfully recommend its passage:

No. 47. A bill for the relief of Ellen Bigger, widow of Samuel Bigger, deceased.

Which was read a first time, and ordered to a second reading.

Mr. Holloway, from the judiciary committee, made the following report:

MR. PRESIDENT:

The judiciary committee to which was referred "A bill to amend an act entitled 'an act to incorporate the city of Richmond, Wayne county, Indiana,' approved February 20th, 1840," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Which bill was ordered to be engrossed for a third reading.

Mr. Osborn, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred Senate bill No. 22, have had the same under consideration, and have instructed me to report it back to the Senate with the following amendment: Strike out all after the enacting clause, and insert the following; and when so amended, recommend its passage; and said committee ask to be discharged from the further consideration thereof.

No. 22. A bill to amend an act entitled "An act for the relief of purchasers of canal lands," approved January 19th, 1846.

Which report was concurred in, and the amendment adopted.

Said bill was then ordered to be engrossed for a third reading.

Mr. Murphey, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 33, "A bill to authorize the Governor of this State to order a special election for Representatives in Congress in certain cases," have had the same under consideration, and have directed me to report it back to the Senate, and recommend its passage.

Which bill was ordered to be engrossed for a third reading.

Mr. Hamrick, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Abraham Gearhard, praying for a divorce from his wife, Debby, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 48. A bill to divorce Abraham Gearhard, of Parke county, from his wife, Debby Gearhard.

Which was read a first time, and ordered to a second reading.

Mr. Hamer offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law on the subject of divorces, as to leave it to the sound discretion of the courts to grant divorces, when the abandonment of either party exceeds one year.

Which was adopted.

Mr. Edmonston offered the following resolution:

Resolved, That the committee on the benevolent institutions of the State, be instructed to inquire into the causes that led to the recent withdrawal or discharge of Mrs. Mary A. W. Johnson, as matron, from the State Deaf and Dumb Institution, located in this city, with power to send for persons and papers, if found necessary, and report to the Senate; that justice may be done the parties interested.

Which was adopted.

Mr. Berry of Monroe offered the following resolution:

Resolved, That the committee on elections be instructed to inquire into the expediency of amending the law in relation to compensating judges, clerks, and inspectors of elections, so as to make the burthens operate more equally on the different road districts.

Which was adopted.

Mr. Allison offered the following resolution:

Resolved, That the committee on education be instructed to obtain from Mr. H. F. West, of Indianapolis, the result of his investigations on the subject of the common school system; and that they be further instructed to report to the Senate, at as early a day as practicable, by bill or otherwise, the amendments (if any) they would recommend to the laws now in force governing the common school system of this State.

On motion by Mr. Osborn,
The resolution was so amended as to read "request" instead of "obtain."

And the resolution, as amended, was adopted.

Mr. Green offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of giving to the several townships of this State the management and control of the school fund belonging to said townships; and report by bill or otherwise.

Which was not adopted.

Mr. Clements offered the following resolution:

Resolved, That the judiciary committee inquire into the expediency of so modifying the 143d and 145th sections of chapter 40 of the Revised Acts of 1843, so that in all actions upon bonds or other written contracts, (except those for the payment of money), the plaintiff shall, in all cases, assign the breaches in the declaration.

Which was not adopted.

Mr. Beard moved to reconsider the vote upon the question of adopting said resolution;

Which motion prevailed.

Said resolution was then adopted.

Mr. Read introduced,

No. 49. A bill relative to guardians of insane persons;

Which was read a first time.

On motion by Mr. Read,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am instructed to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

No. 81. An act for the further relief of the securities of James A. Kindle, late treasurer and collector of Madison county, Indiana;

In which the concurrence of the Senate is respectfully requested.

Said bill, No. 81, was read a first time.

On motion by Mr. Jackson,

The rules were suspended, and the bill read a second time.

On motion by Mr. Jackson,

Said bill was referred to a select committee composed of Messrs. Jackson, Winchell, and Rockhill.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate, without amendment:

No. 2. An act declaring a misprint in certain names therein mentioned.

The House have also passed the following engrossed bills thereof:

No. 6. An act to repeal an act entitled "An act to authorize the people of Fayette and other counties therein named, to elect three Seminary Trustees," approved January 15th, 1846;

No. 8. An act to incorporate the Decatur county Medical Society;

No. 14. An act to legalize the publication of the lands returned and remaining delinquent, and sales thereof for taxes due thereon, in the county of Shelby, for the years 1844 and 1845;

No. 22. An act to declare the name of Ann Frankbower a misprint;

No. 24. An act repealing all laws allowing docket fees except in certain cases;

No. 25. An act changing the time of holding the probate court of the county of Delaware;

No. 26. An act in relation to road tax in Elkhart county;

No. 35. An act empowering the commissioners of Kosciusko county to hold certain real estate;

No. 46. An act to repeal the act entitled "An act to amend the fourth article of the sixteenth chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5, 1844, so far as the same relates to the said county of Jackson;

In which the concurrence of the Senate is requested.

No. 14, in said message, was read a first time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a second and third times and passed.

No. 22 was read a first time and ordered to a second reading.

No. 46 was read a first time, when,

On motion by Mr. English,

The rules were suspended, and the bill read a second time and ordered to a third reading.

No. 35 was read a first time and ordered to a second reading.

No. 26 was read a first time and ordered to a second reading.

No. 25 was read a first time and ordered to a second reading.

No. 24 was read a first time and ordered to a second reading.

No. 8 was read a first time.

Mr. Robinson moved to suspend the rules, and read the bill a second time.

Which motion prevailed.

And the bill was read a second time.

Mr. Orth moved moved to refer said bill to the committee on corporations.

Which motion did not prevail.

Mr. Robinson moved to suspend the rules and read the bill a third time now.

Which motion did not prevail.

Mr. Orth proposed to amend said bill as follows:

Provided, That said corporation shall not at any time during its existence, refuse a license to practice medicine to any applicant on the ground that such applicant may practice upon a different system of medicine than that established and advocated by said corporation: *And provided further*, That nothing herein contained shall prevent any physician from practising his profession in said county without first obtaining a licence from said corporation.

Mr. Berry of Franklin moved to lay said amendment on the table;

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Day, Ellis, Goodenow, Green, Hamer, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Montgomery, Murphey, Parks, Robinson, Rockhill, Simpson, Stewart, Stockwell, Verbriek, Winchell, and Zenor—36.

Those who voted in the negative are,

Messrs. Berry of Monroe, Edmonston, Hamrick, Howell, Milliken, Orth, Read, and Taber—8.

So said amendment was laid on the table.

Mr. Robinson moved to suspend the rules and read the bill a third time.

Which motion prevailed.

And the bill was read a third time and passed.

No. 6. A bill to repeal an act to authorize the people of Fayette and other counties therein named to elect three Seminary Trustees, approved January 15th, 1846;

Which was read a first time, and ordered to a second reading.

The following message from the House was then taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bills thereof:

No. 27. An act for the better regulation of the county board in the county of Warrick;

No. 28. An act to repeal a certain law therein named;

No. 29. An act to establish a State road on a portion of the dividing line of the counties of DeKalb and Steuben;

No. 33. An act to incorporate the "Clifty Band of Musicians," in Decatur county;

No. 39. An act to vacate the town of Independence in Laporte county;

No. 41. An act to vacate certain streets and alleys in the town of Noblesville, Hamilton county;

No. 42. An act relative to the probate court of Fayette county;

No. 43. An act relative to swinging gates on highways;

No. 44. An act to vacate a part of the town of Blairsville, in Posey county, Indiana;

No. 48. An act relating to the probate court in Allen county;

In which the concurrence of the Senate is respectfully requested.

The House of Representatives have also passed the following engrossed bills of the Senate, without amendment:

No. 21. An act requiring a *nolle prosequi* in the Dubois circuit court;

No. 31. An act providing for a special term of the Madison circuit court;

The House have also concurred in the engrossed amendment of the Senate to bill of the House,

No. 1. An act for the extension of the time of holding the probate courts in the counties of Putnam, St. Joseph, Lawrence, Harrison, and Wayne.

The following bills of said message were severally read a first time, and ordered to a second reading:

Nos. 27, 28, 29, 39, 41, 42, 43, 44, 48.

Bill No. 33, was read a first time.

On motion by Mr. Robinson,

The rules were suspended, and the bill read a second time.

On motion by Mr. Orth,

Said bill was referred to the committee on corporations.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House have passed the following engrossed bill thereof:

No. 87. An act to provide for a settlement with the Superintendent of the State Prison;

In which the concurrence of the Senate is requested.

Said bill was read a first time.

On motion by Mr. Howell,

The rules were suspended, and the bill read a second time.

On motion by Mr. Edmonston,

It was referred to the committee on the judiciary.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed,

No. 9. A bill of the Senate for the relief of Joseph Dickey and David Quinn;

Without amendment.

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following bill of the House:

No. 16. An act to legalize the acts of the board of commissioners of the county of Grant;

Which I have been directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

The Speaker of the House of Representatives has signed a bill of the Senate,

No. 9. An act for the relief of Joseph Dickey and David Quinn;

Which I have been directed to bring to the Senate for the signature of the President thereof.

On motion,

The Senate adjourned.

2 o'clock, P. M.

Senate met.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the House of Representatives No. 87, entitled "A bill to provide for a settlement with the Superintendent of the State Prison," have had the same under consideration, and instructed me to report the same to the Senate, and recommend its passage.

Said bill was ordered to a third reading.

ORDERS OF THE DAY.

No. 19. A bill to incorporate Anderson's Collegiate Institute;

Mr. Berry of Franklin moved to recommit said bill to a select committee, with the following instructions: Add,

Sec. —. The Legislature reserves the right to alter, amend, or repeal this charter, and the property of the corporation, when repealed, that shall be left, after the payment of its debts, shall be divided among the stockholders in proportion to the amount paid in by each.

Mr. Davis moved to lay the amendment upon the table;

The ayes and noes being demanded by Messrs. Davis and Berry of Franklin,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Stockwell, Taber, Verbrike, and Zenor—25.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Day, Edmonston, English, Green, Handy, Hardin, Howell, Jackson, Logan, Marsh, Miller, Milligan, Parks, Read, Rockhill, Stewart, and Waters—20.

So said amendment was laid on the table.

Mr. Marsh moved to recommit said bill, with the following instructions:

Amend by striking out the following:

That no omission to perform any part of the requirements of this act shall be so construed as to forfeit the charter.

On motion by Mr. Davis,
The amendment was laid on the table.

BILLS ON SECOND READING.

No. 35. A bill to provide for the election of township assessors in certain counties therein named, and defining their duties;
Which bill was read a second time, and ordered to be engrossed for a third reading.

No. 27. A joint resolution on the subject of the Cumberland road;

Which was read a second time, and ordered to a third reading.

No. 45. A bill to authorize clerks of circuit courts to issue writs to other counties in certain cases;

Which was read a second time; and,

On motion by Mr. Edmonston,
Was referred to the committee on the judiciary.

No. 42. A bill to divorce David T. Baggerly and Nancy Baggerly, his wife;

Which was read a second time.

Mr. Ellis moved to refer said bill to the judiciary committee;

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Bradbury, Chenowith, Conner, Ellis, Goodenow, Hamer, Hamrick, Logan, Marsh, Morgan, Murphey, Orth, Robinson, Stewart, and Verbrike—16.

Those who voted in the negative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Bowers, Clements, Coffin, Davis, Day, Edmonston, English, Green, Handy, Hardin, Holloway, Howell, Jackson, Miller, Milligan, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stockwell, Taber, Waters, and Zenor—29.

So the bill was not so referred.

The bill was then ordered to be engrossed for a third reading.

No. 25. A bill to change the name of Frances Ann Fisher to Frances Ann Smith;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 41. A bill to divorce Markem Hollen and Rachael Hollen, his wife;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 43. A bill to amend an act entitled "An act to enable the township of Lawrenceburgh, in Dearborn county, to turnpike all the roads within the same," approved January 20th, 1846;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 46. A bill to provide for an increase in the number of pilots at the falls of the Ohio river;

Mr. Parks moved to amend said bill, by striking out all after the word "State," in the first section;

Which amendment was adopted.

Mr. Murphey moved to amend said bill, by striking out from the enacting clause, and inserting the following:

That all laws now in force in this State, for the appointment of pilots at the falls of the river Ohio, be, and the same are hereby repealed.

Which amendment was adopted.

Mr. Read called for the reading of the papers;

Which was refused.

Said bill was then ordered to be engrossed for a third reading.

Mr. Ellis gave notice that he should on to-morrow move for the appointment of a standing committee on divorces.

Mr. Murphey, chairman of the committee on enrolled bills, made the following reports:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed bill of the Senate No. 2, and find it correctly enrolled.

MR. PRESIDENT:

The committee on enrolled bills have compared the engrossed bill of the Senate No. 9 with the enrolled, and find the same correctly enrolled.

On motion,

The Senate adjourned.

FRIDAY MORNING, DECEMBER 18, 1846.

The Senate assembled.

The journal of the preceding day was read.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House of Representatives have passed the following engrossed bills thereof, to-wit:

No. 12. An act to provide for the issue of patents upon tax sales of Wabash and Erie canal lands;

No. 97. An act to legalize certain acts of the board of commissioners of Clinton county, and for other purposes;

No. 93. An act to postpone the payment of taxes charged against volunteers in the army of the United States;

No. 56. An act to repeal an act entitled "An act for the relief of the people of Noble, Lagrange, Steuben, and DeKalb counties," approved January 31, 1843;

No. 65. An act to amend article one of chapter forty-two of the Revised Statutes, on the subject of the liens of mechanics and others on buildings;

No. 68. An act to authorize the board doing county business in the county of Orange to appoint an appraiser of real estate subject to taxation, at their March term, in 1847;

No. 71. An act to vacate certain streets and alleys in the town of Orleans, in the county of Orange;

No. 116. An act to change the name of Richardville county:

In which the concurrence of the Senate is respectfully requested.

The House of Representatives have also passed the following engrossed bills of the Senate without amendment:

No. 11. An act to legalize the adjournment of the Decatur circuit court, at the fall term, 1846;

No. 14. An act authorizing the auditor of Henry county to sell a certain tract of land therein named;

No. 15. An act to change the time of holding probate courts at the August term, in Greene county;

No. 16. An act for the relief of Victor A. Pepin, of Floyd county;

No. 17. An act to amend an act entitled "An act to authorize the sale of school lands in township two south, of range one west, in the county of Crawford," approved December 31, 1845;

No. 18. An act to repeal a joint resolution therein named.

The House have also passed the following engrossed joint resolution of the Senate, with an amendment:

No. 28. A joint resolution to the Congress of the United States, on the subject of increasing the monthly pay and making a donation of land to the volunteers in the Mexican war;

In which amendment the concurrence of the Senate is respectfully requested.

The President laid before the Senate a communication from the State Printer, on the subject of the price of the State Printing.

Mr. Edmonston moved to lay the same upon the table;

Which motion prevailed.

Mr. Davis moved to print 250 copies;

Which was ordered by the Senate.

Mr. Edmonston presented the petition of William D. Kelso, for a divorce; which,

On motion by Mr. Edmonston,

Was referred to a select committee composed of Messrs. Edmonston, Jackson, and Parks.

Mr. Bowers presented the petition of William Bratton and others, to vacate a certain State road; which,

On motion by Mr. Bowers,

Was referred to a select committee consisting of Messrs. Bowers, Marsh, and Murphey.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of Catharine Vickory, praying for a divorce; also, the petition of Theodore F. Ellis, praying for a divorce; also, the petition of John Soden, praying for a divorce; have had said petitions and the subject of divorces generally, under consideration, and after mature deliberation, have instructed me to report said petitions back to the Senate, and to recommend that further legislation on the subject is altogether inexpedient.

Your committee have great doubts as to the constitutional power of the Legislature to interfere with the marital rights of any individual; indeed, a majority of said committee believe that the language of the constitution clearly prohibits the Legislature from impairing the validity of contracts, or from exercising judicial functions in attempting to ascertain whether a contract has been violated, and then proceed to declare it null and of no force. But admitting the power to be in the Legislature, its exercise is inexpedient and unnecessary.

The courts of justice are open alike to all our citizens, and ample power has long since been given to the courts by law, to grant divorces in almost every case. So extensive is this power of the courts, that we take it upon us to say, that no injustice can ever be done to any individual, by compelling him to resort to courts of justice for relief.

Our action here may, and no doubt often does prove deleterious to the rights of individuals. An *ex parte* application is made, containing charges of the gravest character upon the reputation and integrity

of individuals, frequently without testimony; and without suffering the other party interested in our decision, to appear and controvert these charges, we are called upon to enter a decree for divorce, without settling in that decree a single one of the many rights pertaining to the marriage state. But suppose we give notice to the opposite party, have witnesses summoned to appear before us, and (acting in the double capacity of judge and jurors) we proceed to adjudicate upon the rights of the parties litigant, why not in that event extend our jurisdiction to all other controversies that are cognizant in the courts of our State? We have the same right to try an action of ejectment, or pronounce a decree in chancery, upon the varied and conflicting rights of our citizens, as to adjudicate in matters of divorce. If we act judicially in any case, why not in every case?

Suppose, however, for the sake of argument, that we assume the power to act in any judicial capacity, and by some possibility we enter an erroneous decree, how is the error to be corrected? The constitution provides for a Supreme Court, but there is no provision by which a case can be appealed from us, to that or any other court of final resort.

Without extending this report, and adding many other reasons that might be assigned against legislative action on this subject, the committee will submit the same to the Senate, with the concluding remark, that legislation on this subject is attended with an enormous and unnecessary expense. You call upon one hundred and fifty men, at three dollars per day, with the additional expense of clerks, doorkeepers, &c. &c., to perform the labor of a president judge and his associates.

Having a due regard to economy, and being opposed to a useless and extravagant expenditure of the people's money, your committee offer for adoption the following resolution, and respectfully recommend its passage:

Resolved, That it is inexpedient to legislate on the subject of divorces.

Mr. Osborn dissents from the report.

Mr Berry of Franklin moved to lay said report and resolution on the table;

The ayes and noes being demanded by Messrs: Orth and Berry of Franklin,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Clements, Coats, Coffin, Davis, Day, Edmonston, English, Green, Handy, Hardin, Holloway, Howell, Miller, Milligan, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Stockwell, Taber, Waters, Winchell, and Zenor—27.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Conner, Ellis, Goodenow, Hamer, Hamrick, Logan, Marsh, Morgan, Murphey, Orth, Robinson, Simpson, Stewart, and Verbrike—19.

So the report and resolution were laid upon the table.

Mr. Osborn moved to recommit said resolution to a select committee;

Which motion prevailed;

And Messrs. Osborn, Beard, and Jackson were appointed that committee.

Mr. Murphey moved to take from the table, and to recommit to a select committee, the petition of Catharine Vickory, for a divorce;

Which motion prevailed;

And Messrs. Murphey, Marsh, and Winchell were appointed that committee.

Mr. Ellis moved to recommit the petition of John Soden to a select committee;

Which motion prevailed;

And Messrs. Ellis, Davis, and Holloway were appointed that committee.

The President laid before the Senate the communication of the Superintendent of the Wabash and Erie canal; which,

On motion,

Was laid on the table.

The President laid before the Senate the communication of the trustees for the education of the blind; which,

On motion,

Was laid on the table.

Mr. Ellis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred Senate bill No. 38, "A bill to amend the law on the settlement of intestates' estates," have instructed me to report the same to the Senate, with a recommendation that the same be indefinitely postponed.

Which report was concurred in, and said bill indefinitely postponed.

Mr. Clements, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to which was referred bill of the Senate

No. 20, have had the same under consideration, and have directed me to strike it out from the enacting clause, and insert the following as an amendment, and recommend its passage.

No. 20. An act, in relation to supervisors in the county of Daviess;

Which report was concurred in, and said amendment adopted.

Said bill was then ordered to be engrossed for a third reading.

Mr. Read, from the select committee to whom was referred bill,

No. 3. A bill providing for holding a convention to revise and amend the constitution of the State of Indiana;

Made the following report:

MR. PRESIDENT:

The select committee to which was referred bill No. 3, of the Senate, providing for holding a convention to revise and amend the constitution of the State of Indiana, have had the same under consideration, and have instructed me to report the same to the Senate, with the following amendments:

In the preamble insert "a majority of all the votes given upon the subject of a convention."

In the fourth section strike out "board of commissioners," and insert "board doing county business."

In the twelfth section strike out "President," and insert "Governor."

Mr. Howell moved to lay said report and amendments upon the table and that 500 copies thereof be printed for the use of the Senate.

Mr. Orth called for a division of the question;

Which was ordered by the Senate.

The question then recurred upon laying said report and amendment upon the table.

It was decided in the affirmative.

Mr. Read proposed to modify the number of copies to be printed by substituting 100 copies;

Which was accepted by Mr. Howell.

The question then being upon printing 100 copies;

The ayes and noes were demanded by Messrs Read and Orth.

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Green, Hamer, Handy, Hardin, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Montgomery,

Osborn, Parks, Read, Robinson, Rockhill, Stewart, Stockwell, Taber, Verbriek, and Waters—29.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamrick, Holloway, Murphey, Orth, Simpson, Winchell, and Zenor—18.

So 100 copies of said bill were ordered to be printed for the use of the Senate.

Mr. Edmonston offered the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, proceed on this day at half past two o'clock, P. M., to the election of a bank director to fill the vacancy occasioned by the expiration of the term of service of the Hon. William Dailey.

Mr. Ellis proposed to amend said resolution by striking out "today" and inserting "morrow."

Which amendment was accepted by Mr. Edmonston.

Mr. Robinson moved to amend so as to read half past two o'clock on Tuesday next.

Which amendment was adopted.

And the resolution so amended was adopted.

Mr. Coffin offered the following resolution:

Resolved, That the Secretaries of the Senate be authorized to employ assistants whenever the duties of their offices may require it.

Which resolution was adopted.

Mr. Murphey offered the following resolution:

Resolved, That his Excellency, the Governor, be respectfully requested to lay before the Senate, at as early a period as practicable, the circular of the Secretary of the Treasury of the United States, referred to in his annual message of the 8th December, 1846.

Which was adopted.

Mr. Morgan offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of making seduction a criminal offence, punishable by confinement in the State Prison, or such other penalty as they may think the deleterious nature of the offence seems to demand.

Which was adopted.

Mr. Milligan offered the following resolution:

Resolved, That his Excellency, the Governor, be requested to in-

form the Senate what action, if any, has been had upon "a joint resolution on the subject of the reservoir in Mercer county, Ohio.

Which was adopted.

Mr. Zenor offered the following resolution:

Resolved, That the committee on agriculture be instructed to inquire whether any amendments are necessary to the law regulating weights and measures in this State, and what they are, and that they have leave to report by bill or otherwise.

Which was adopted.

Mr. Berry of Monroe introduced,

No. 50. A joint resolution in relation to furnishing a copy of the lands selected by the State for the completion of the Wabash and Erie canal;

Which was read a first time, and ordered to a second reading.

Mr. Berry of Monroe introduced,

No. 51. A bill for the relief of purchasers of seminary lands in Monroe and Gibson counties;

Which was read a first time, and ordered to a second reading.

Mr. Murphey introduced,

52. A bill to amend the laws now in force in this State regulating the duties of executors, administrators, and guardians;

Which was read a first time, and ordered to a second reading.

Mr. Winchell introduced,

No. 53. A bill to authorize Nelson Conner, of the county of Grant, and State of Indiana, to maintain and keep up a mill dam across the Mississinnewa river;

Which was read a first time, and ordered to a second reading.

ORDERS OF THE DAY.

No. 46. A bill (of the House) to repeal the act entitled "An act to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson, approved January 5th, 1844," so far as the same relates to the county of Jackson;

Which was read a third time and passed.

No. 46. A bill (of the Senate) to increase the number of pilots at the falls of the Ohio river;

Which was read a third time.

Mr. Logan moved to reconsider the vote by which said bill was ordered to be engrossed;

Which motion prevailed.

Mr. Handy moved to reconsider the vote by which the amendment of Mr. Murphey, proposed yesterday, was adopted;

Which motion prevailed.

On motion by Mr. Handy,

Said amendment was then laid on the table.

Mr. Robinson moved to reconsider the vote by which the amendment of Mr. Parks, on yesterday, was adopted;

Which motion did not prevail.

Said bill was then ordered to be engrossed for a third reading.

No. 87. A bill (of the House) to provide for a settlement with the Superintendent of the State Prison;

Which was read a third time and passed.

No. 35. A bill (of the Senate) to provide for the election of township assessors in certain counties therein named, and defining their duties;

Which was read a third time and passed.

On motion,

The Senate adjourned.

2 o'clock, P. M.

Senate met.

Leave being granted,

Mr. Handy offered the following resolution:

Resolved, That the committee on public buildings be requested to ascertain the cause of the smoke in the Senate chamber, and to report the defects of the State House, if any.

Which was adopted.

ORDERS OF THE DAY.

No. 25. A bill (of the Senate) to change the name of Frances Ann Fisher to Frances Ann Smith;

Which was read a third time and passed.

No. 27. A joint resolution on the subject of the Cumberland road;

Which was read a third time.

On motion by Mr. Berry of Franklin,

Said joint resolution, by unanimous consent of the Senate, was so amended as to strike out all that portion of it which states turnpike roads to be an obsolete idea.

The question then recurring on the passage of the joint resolution;

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Davis, Ellis, English, Hamer, Hamrick, Jackson, Milligan, Morgan, Winchell—9.

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Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Bradbury, Clements, Coffin, Conner, Day, Edmonston, Goodenow, Green, Hardin, Holloway, Howell, Logan, Marsh, Miller, Milliken, Montgomery, Murphey, Orth, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbriek, and Waters—33.

So the joint resolution was not passed.

The following message was received from his Excellency the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed by his Excellency the Governor to inform the Senate, that he has this day approved and signed the following bill, to-wit:

No. 9. An act for the relief of Joseph Dickey and David Quinn; Which originated in the Senate.
December 18, 1846.

No. 33. A bill to authorize the Governor of this State to order a special election for Representatives in Congress in certain cases; Which was read a third time and passed.

No. 22. A bill to amend an act entitled "An act for the relief of purchasers of canal lands," approved January 19th, 1846.

Which was read a third time and passed.

No. 29. A bill for the benefit of the volunteers for the Mexican war, and for the relief of county treasurers;

Which was read a third time.

On motion by Mr. Ellis,

The bill was amended so as to read "privates and non-commissioned officers," by unanimous consent of the Senate.

The bill was then passed.

No. 42. A bill (of the Senate) to divorce David T. Baggerly and Nancy Baggerly, his wife;

Which was read a third time.

The question being on the passage of the bill;

And the ayes and noes being demanded by Messrs. Orth and Ellis,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Clements, Coffin, Davis, Day, Edmonston, English, Green, Handy, Hardin, Holloway, Howell, Jackson, Miller, Milligan, Milliken, Montgomery, Parks, Read, Rockhill, Stockwell, Taber, Waters, Winchell, and Zenor—27.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Chenowith, Conner, Ellis, Goodenow, Hamer, Hamrick, Logan, Marsh, Morgan, Murphey, Orth, Robinson, Simpson, Stewart, and Verbriek—18.

So the bill was passed.

No. 41. A bill to divorce Markem Hollen and Rachael Hollen, his wife;

Which was read a third time;

The question being on the passage of said bill;

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Clements, Coffin, Davis, Edmonston, English, Green, Handy, Hardin, Holloway, Howell, Jackson, Miller, Milligan, Milliken, Montgomery, Parks, Read, Rockhill, Stockwell, Taber, Waters, and Winchell—25.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Chenowith, Conner, Day, Ellis, Goodenow, Hamer, Hamrick, Logan, Marsh, Morgan, Murphey, Orth, Robinson, Simpson, Stewart, and Verbriek—19.

So the bill was passed.

No. 43. A bill authorizing the township of Lawrenceburgh, in Dearborn county, to construct turnpike roads in said township;

Which was read a third time and passed.

No. 8. A bill to amend an act entitled "An act to incorporate the city of Richmond, in Wayne county, Indiana," approved February 20th, 1840;

Which was read a third time and passed.

Leave being granted,

Mr. Ellis introduced,

No. 54.

Which was read a first time.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second time.

On motion by Mr. Miller,

Said bill was referred to a committee of Senators representing the districts through which said road runs.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Se-

nate that the Speaker of the House of Representatives has signed the following enrolled bill of the Senate:

No. 2. An act declaring a misprint in certain names therein mentioned.

And the signature of the President of the Senate thereto is respectfully requested.

Mr. Orth offered the following resolutions:

WHEREAS, The Hon. Samuel Bigger, late Governor of the State of Indiana, has departed this life since the last session of the General Assembly: Therefore,

Resolved unanimously, That the Senate entertain the most profound regret for this melancholy event, and that they will cherish the memory of his useful and patriotic career as a public servant, and of his amiable and generous private life.

Resolved unanimously, That the Senate tender the assurance of their warmest sympathies to the family of the deceased in the deeply afflicting loss they have sustained.

Resolved unanimously, That the Secretary notify the House of Representatives of the adoption of these resolutions, and that the President of the Senate be requested to cause an attested copy thereof to be transmitted to the family of the deceased.

Resolved unanimously, That the Senate, in token of their respect for the memory of the Hon. Samuel Bigger, deceased, do now adjourn.

And the Senate accordingly adjourned.

SATURDAY MORNING, DECEMBER 19, 1846.

The Senate assembled.

The journal of the preceding day was read.

Mr. Robinson presented the petition of John H. Moody and others, for a change in the mode of doing county business in the county of Decatur;

On motion by Mr. Robinson,

Said petition was referred to a select committee having that subject before referred to them.

Mr. Cuppy presented the petition of Wm. Rodebaugh and others, for a divorce; which,

On motion by Mr. Cuppy,

Was referred to a select committee consisting of Messrs. Cuppy, Rockhill, and Taber.

Mr. Berry of Franklin presented the petition of John Barlow, praying for a divorce; which,

On motion by Mr. Berry of Franklin,

Was referred to a select committee consisting of Messrs. Berry of Franklin, Milligan, and Beard.

Mr. Green presented the petition of sundry voters of Switzerland county, remonstrating against the addition of two certain townships to said county therein named.

On motion by Mr. Green,

Said petition was referred to the select committee having that subject under consideration.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate, No. 45, entitled, a bill to authorize clerks of circuit courts to issue writs to other counties in certain cases, have had the same under consideration, and instructed me to report it to the Senate, without amendment, and respectfully recommend its passage.

Said bill was ordered to be engrossed for a third reading.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, on the subject of divorces, have instructed me to report the following bill, and respectfully recommend its passage.

No. 55. A bill on the subject of divorces;

Which was read a first time, and ordered to a second reading.

Mr. Clements, from the judiciary committee, made the following report:

MR. PRESIDENT:

The judiciary committee, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of modifying the 143d and 145th sections of chapter 40, of the Revised Acts of

1843, in relation to suits upon bonds, contracts, or agreements, have had the same under consideration, and have instructed me to report the following bill, (No. 56,) and recommend its passage.

No. 56. A bill declaring the meaning of sections 143 and 145 of chapter forty, of the Revised Acts of 1843;

Which was read a first time and ordered to a second reading.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have unanimously reciprocated the resolutions of the Senate in relation to the death of the Hon. Samuel Bigger.

The President laid before the Senate the communication of S. Fisher, General Superintendent of the Wabash and Erie canal, in answer to a resolution of the Senate, requesting him to inform the Senate "whether there is a sufficiency of water power at and near the town of Americus to justify the State in leasing a portion thereof for the purpose of propelling a grist mill."

Which communication expresses the opinion of said Superintendent that it would not be proper to lease any water power at said point at this time.

Said communication was read and laid upon the table.

Mr. Osborn, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred Senate bill No. 49, entitled "A bill relative to guardians of insane persons," have had the same under consideration, and have instructed me to report it back to the Senate with the following amendments:

Strike out the word "probate," in the third line, and after the word "court," in the same line, insert "in which the guardianship of any insane person may be pending."

Strike out all after "guardian," in the eighth line.

And when so amended, said committee recommend its passage.

Which report was concurred in, and said amendments adopted.

The bill was then ordered to be engrossed for a third reading.

Mr. Robinson, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of creating one or more judicial circuits, have, according to order, had the same under consideration, and have directed me to report the following bill:

No. 57. A bill to create the 13th judicial circuit;

Which was read a first time.

On motion by Mr. English,

The rules were suspended, and the bill read a second time, and referred to a select committee consisting of Messrs. English, Green, Milliken, Berry of Franklin, Goodenow, Robinson, and Bowers.

Mr. Berry of Monroe, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred the petition of William Henderson, James Iliff, and others, of Henry county, praying for the repeal of an act entitled "An act providing for the removing obstructions in Buck creek, in Henry county," approved January 15th, 1844, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 58. A bill to repeal an act entitled "An act providing for removing obstructions in Buck creek, in Henry county."

Which was read a first time, and ordered to a second reading.

Mr. Jackson, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred bill of the House No. 81, on the subject of relief for James A. Kindle and securities, have had the subject under consideration, and have made two amendments thereto, and have directed me to report it to the Senate, and recommend its passage.

Add to the first section,

Provided, That this section be, and the same is subject to the proviso contained in the second section of this act.

Add to the second section,

Provided, however, And this act is subject to this condition, that if said board of commissioners should be of opinion that any additional credits should be allowed in pursuance of the provisions of the second section of this act, nothing in this act contained shall be

so construed as to prevent said board of commissioners from deducting therefrom any part of said credits heretofore allowed by said board of commissioners, which said board of commissioners may consider as having been unjustly allowed. And said board of commissioners may review and examine the said allowance heretofore made for that purpose, and shall make such deduction, if any, before making any further allowance.

Said amendments were adopted, and the bill ordered to a third reading.

Mr. Bowers, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of certain citizens of Ripley county praying for the vacation of a portion of a State road in said county, have had the same under advisement, and have instructed me to report the following bill, and recommend its passage:

No. 59. A bill to vacate a part of a certain State road in the county of Ripley.

Which was read a first time.

On motion by Mr. Bowers,

The rules were suspended, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr. Winchell, from a select committee, reported,

No. 60. A bill to divorce Catharine Vickory from Edward Vickory;

Which was read a first time, and ordered to a second reading.

Mr. Osborn, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred the petition of Theodore F. Ellis, praying for a divorce from his wife Sarah, have had the same under consideration, and a majority of said committee have instructed me to report the following bill, and recommend its passage:

No. 61. A bill for the relief of Theodore F. Ellis, of Laporte county.

Which was read a first time, and ordered to a second reading.

Mr. Orth offered the following resolution:

Resolved, That the committee on the judiciary be instructed to report a bill to the Senate providing for a reorganization of the probate courts, by abolishing the office of probate judges, and transfer-

ring the business of these courts to the several circuit courts of the State; also, for the creation of four additional circuits, and providing for four terms of the circuit court in each year.

Mr. Edmonston moved to amend the resolution, by striking out the words "circuit courts," and inserting "probate circuits" in lieu thereof.

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Coats, Cuppy, Davis, Day, Edmonston, English, Green, Hamrick, Handy, Hardin, Howell, Jackson, Logan, Miller, Milligan, Read, Rockhill, Stewart, Verbribe, Waters, Winchell, and Zenor—26.

Those who voted in the negative are,

Messrs. Allison, Beard, Chenowith, Clements, Coffin, Conner, Goodenow, Hamer, Holloway, Marsh, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Robinson, Simpson, Stockwell, and Taber—21.

So said amendment was adopted.

Mr. Edmonston moved to amend the resolution, by striking out the words "four terms," and inserting in lieu thereof, the words "two terms."

Mr. Beard moved to indefinitely postpone said resolution and pending amendments;

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Bowers, Bradbury, Chenowith, Coats, Conner, Day, Goodenow, Hamrick, Handy, Hardin, Holloway, Howell, Logan, Marsh, Miller, Milligan, Milliken, Osborn, Rockhill, Simpson, and Zenor—22.

Those who voted in the negative are,

Messrs. Allison, Berry of Monroe, Clements, Coffin, Cuppy, Davis, Edmonston, English, Green, Hamer, Jackson, Morgan, Montgomery, Murphey, Orth, Parks, Read, Robinson, Stewart, Stockwell, Taber, Verbribe, Waters, and Winchell—24.

So the resolution and amendments were not indefinitely postponed.

On motion by Mr. Handy,

The resolution and pending amendments were laid upon the table.

Mr. Stewart offered the following resolution:

Resolved, That the Secretary of State be requested to inform the Senate, as soon as possible, the number of votes given for Governor at the last August election, in each county in the State, and also the number of votes given for or against a convention in each county at the same election.

Which was adopted.

Mr. Davis offered the following resolution:

Resolved, That, in the opinion of this Senate, it is inexpedient to change the present probate system.

The ayes and noes being demanded by Messrs. Davis and Edmonston,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Bowers, Bradbury, Coats, Davis, Day, Hamrick, Handy, Hardin, Holloway, Howell, Jackson, Logan, Miller, Milligan, Rockhill, Simpson, Waters and Zenor—20.

Those who voted in the negative are,

Messrs. Allison, Berry of Monroe, Chenowith, Clements, Coffin, Conner, Cuppy, Edmonston, English, Goodenow, Green, Hamer, Marsh, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Read, Robinson, Stewart, Stockwell, Taber, Verbriek, and Winchell—27.

So the resolution was not adopted.

Mr. Miller offered the following resolution:

Resolved, That the judiciary committee is hereby requested to inquire into the expediency of repealing the appraisement laws so far as relates to the collection of all debts by administrators on deceased estates.

Which was adopted.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House of Representatives have reciprocated the resolution of the Senate, providing for the election of a bank director, to fill the vacancy occasioned by the expiration of the term of service of the Hon. William Dailey.

Mr. Orth offered the following resolution:

Resolved, That, in the opinion of the Senate, it is inexpedient to change the present probate system, but inasmuch as they are unable to agree to any such change, that the committee on the judiciary be discharged from the further consideration of the subject.

Mr. Allison moved to amend the resolution by striking out from the resolving clause, and inserting the following:

That the judiciary committee be instructed to report a bill to the Senate making such changes in the probate court system as they may think advisable for the interest of the State at large.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Monroe, Coffin, Cuppy, Day, Goodenow, Hamer, Marsh, Milliken, Morgan, Montgomery, Parks, Read, Taber, Verbriek, and Winchell—16.

Those who voted in the negative are,

Messrs. Beard, Berry of Franklin, Bowers, Bradbury, Chenowith, Clements, Conner, Davis, Edmonston, English, Green, Hamrick, Handy, Hardin, Holloway, Howell, Jackson Logan, Miller, Milligan, Murphey, Orth, Osborn, Robinson, Rockhill, Simpson, Stewart, Stockwell, Waters, and Zenor—30.

So the amendment was not adopted.

The resolution was then adopted.

Mr. Murphey introduced,

No. 62. A bill to amend an act entitled "An act to incorporate the Knightstown Shelbyville Railroad company;

Which was read a first time, and ordered to a second reading.

Mr. Clements introduced,

No. 63. A bill to authorize the Superintendent of the New Albany and Vincennes road to re-build bridges that have washed away on said road;

Which was read a first time.

On motion by Mr. Clements,

The rules were suspended, and the bill read a second time.

On motion by Mr. Davis,

The bill was then referred to a select committee consisting of Messrs. Clements, Davis, and Berry of Franklin.

Mr. English introduced,

No. 64. A bill for the relief of David Burr;

Which was read a first time.

On motion by Mr. English,

The rules were suspended, and the bill read a second time, and referred to the committee on canals and internal improvements.

Mr. Holloway introduced,

No. 65. A bill to incorporate the Grand and Subordinate Divisions of the Sons of Temperance of the State of Indiana;

Which was read a first time.

On motion by Mr. Holloway,

The rules were suspended, and the bill read a second time, and referred to the committee on corporations.

Mr. Milliken introduced,

No. 66. A bill to facilitate the building of school houses in the county of Dearborn;

Which was read a first time and ordered to a second reading.

Mr. Berry of Franklin introduced,

No. 67. A bill to compel corporations to keep up bridges when by their action they obstruct State or county roads;

Which was read a first time and ordered to a second reading.

Mr. Stewart introduced,

No. 68. A bill fixing the time of holding the Marion circuit court in the fifth judicial circuit;

Which was read a first time and ordered to a second reading.

Mr. Winchell introduced,

No. 69. A bill changing the time of holding courts in the eleventh judicial circuit;

Which was read a first time, and ordered to a second reading.

On motion by Mr. Verbriek,

No. 1. A bill to define the mode of advertising delinquent lists;

Was taken from the table.

Mr. Verbriek moved to amend said bill by striking out from the enacting clause, and inserting the following:

No. 1. A bill to define the mode of advertising the delinquent list;

Mr. Osborn moved to refer said bill and amendment to the committee on finance, with instructions to amend as follows:

So that the description of the property, the gross amount of the tax penalty, and costs, the name of the person to whom it stands taxed, together with a notice that unless the same is paid on or before the day fixed for the sale, it will be sold, shall be published as now required by law, and that the same shall be printed solid matter.

Mr. Verbriek moved to amend said amendment so as to leave it discretionary with county boards to publish or not as may seem to them best.

Which amendment of Mr. Verbriek was adopted.

The amendment of Mr. Osborn as amended by Mr. Verbriek was then adopted.

And said bill and instructions were referred to the committee on finance.

Mr. Allison moved that bill No. 44, upon the subject of advertising sales of lands returned delinquent, be referred the committee on finance.

And the same was so referred.

On motion by Mr. Hamrick,

No. 5. A bill in relation to county roads;

Was taken from the table.

And referred to a select committee of Messrs. Hamrick, Verbriek, and Montgomery.

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

The President laid before the Senate the report of the Superintendent of the New Albany and Vincennes turnpike; which,

On motion by Mr. Davis,

Was laid upon the table, and 250 copies ordered to be printed for the use of the Senate.

Mr. Berry of Monroe offered the following resolution:

Resolved, That the Senate's committee on the benevolent institutions of the State, the House of Representatives concurring therein, be directed to act jointly with the House committee on the same subject, during the investigation into the causes of the dismissal or withdrawal of Mary A. W. Johnson from the institution of the deaf and dumb.

Which was adopted.

On motion of Mr. Green,

Mr. Hardin was added to the committee on benevolent institutions.

Mr. Hamer moved to take from the table,

No. 28. A joint resolution to the Congress of the United States, on the subject of increasing the monthly pay and making a donation of land to the volunteers in the Mexican war;

Which motion prevailed.

On motion by Mr. Hamer,

The amendments of the House to said joint resolution were concurred in by the Senate, with the following amendment, which was proposed by Mr. Hamer:

In case of the death of any of the volunteers who may be entitled to any land under this act, the said land shall descend to the wife and children of said decedent.

ORDERS OF THE DAY.

No. 20. A bill in relation to supervisors in the county of Daviess: Which was read a third time and passed.

No. 34. A bill to extend the time of working out the road tax in the several counties therein named;

Which was read a second time.

On motion by Mr. Cuppy,

The rules were suspended, and the bill read a third time and passed.

No. 36. A bill for the relief of John Kistler;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 37. A bill changing the mode of electing county surveyors; Which was read a second time.

Mr. Orth moved to refer said bill to the committee on the judiciary, with instructions to abolish the office of surveyor;

Which motion did not prevail.

Mr. Hardin moved to amend said bill by excepting from the provisions thereof, the county of Johnson;

Which amendment was adopted.

On motion by Mr. Hamrick,

Said bill was then referred to the committee on the judiciary.

No. 39. A bill to authorize the letting out of the public printing to the lowest bidder;

Which was read a second time.

Mr. Davis moved to lay said bill upon the table.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Coffin, Conner, Davis, English, Hamer, Hamrick, Holloway, Logan, Milligan, Morgan, Murphey, Orth, Robinson, Winchell, and Zenor—20.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, Green, Handy, Hardin, Howell, Jackson, Marsh, Miller, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stewart, Taber, Verbrike, and Waters—24.

So the bill was not laid upon the table.

The bill was then ordered to be engrossed for a third reading.

No. 40. A bill to divorce Christian Schwertfeger and wife.

Which was read a second time, and ordered to a third reading.

No. 48. A bill to divorce Abraham Gearhard, of Parke county, and Debby his wife;

Mr. Stewart moved the following amendment:

Provided, however, That nothing in this act shall be so construed as to defeat the said Debby Gearhard's right to dower, which she had by virtue of her marriage with the said Abraham Gearhard.

Which amendment was adopted, and the bill as so amended was ordered to a third reading.

No. 50. A joint resolution in relation to furnishing a copy of the lands selected by the State for the completion of the Wabash and Erie canal;

Mr. Osborn moved to refer said joint resolution to the committee on finance;

And the same was so referred.

No. 51. A bill for the relief of purchasers of seminary lands in Monroe and Gibson counties;

Which was read a second time, and ordered to be engrossed for a third reading.

52. A bill to amend the laws now in force in this State regulating the duties of executors, administrators, and guardians;

Which was read a second time; and,

On motion by Mr. Montgomery,

Referred to the committee on the judiciary.

No. 53. A bill to authorize Nelson Conner, of the county of Grant, and State of Indiana, to maintain and keep up a mill dam across the Mississinnewa river;

Which bill was read a second time, and ordered to be engrossed for a third reading.

The following bills were severally read a third time and passed, viz:

No. 22. A bill (of the House) to declare the name of Ann Frankbower a misprint;

No. 24. A bill repealing all laws allowing docket fees, except in certain cases;

No. 25. A bill (of the Senate) changing the time of holding the probate courts of the county of Delaware;

No. 26. A bill (of the House) in relation to road tax in Elkhart county;

No. 29. A bill (of the House) to establish a State road on a portion of the dividing line of the counties of DeKalb and Steuben;

No. 35. A bill empowering the commissioners of Kosciusko county to hold certain real estate.

No. 46. A bill to increase the number of pilots at the falls of the Ohio river;

Which was read a third time.

The ayes and noes being demanded upon its passage,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe,

Bradbury, Chenowith, Coats, Cuppy, Day, Edmonston, English, Goodenow, Green, Hamer, Hamrick, Handy, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Montgomery, Murphey, Osborn, Parks, Robinson, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbrike, Winchell, and Zenor—37.

Those who voted in the negative are,

Messrs. Coffin, Conner, Hardin, Howell, Orth, Read, and Waters—7.

So said bill was passed.

No. 39. A bill (of the House) to vacate the town of Independence, in Laporte county;

No. 41. A bill (of the House) to vacate certain streets and alleys in the town of Noblesville, Hamilton county;

No. 42. A bill relative to the probate court of Fayette county;

No. 43. A bill relative to swinging gates on highways;

No. 29. A bill (of the Senate) for the benefit of the volunteers for the Mexican war, and for the relief of county treasurers;

Which was read a third time and passed.

No. 44. A bill to vacate part of the town of Blairsville, in Posey county, Indiana;

No. 47. A bill (of the Senate) for the relief of Ellen Bigger, widow of Samuel Bigger, deceased.

Mr. Orth moved to recommit said bill to the committee on claims, with instructions to inquire into the justness of the claim;

Which motion prevailed.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the Speaker has signed the following enrolled bill:

No. 87. An act to provide for a settlement with the Superintendent of the State Prison.

Which I have been directed to bring to the Senate for the signature of the President thereof.

The following message was received from his Excellency, the Governor:

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate that he has this day approved and signed the following bill:

No. 2. An act delaring a misprint in certain names therein mentioned;

Which originated in the Senate.

December 19th, 1846.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House of Representatives have passed the following engrossed bills of the Senate, without amendment:

No. 4. A bill to revive an act entitled "An act to locate a State road from Point Commerce, in Greene county, to the feeder dam on Eel river, in Clay county," approved January, 20, 1846;

No. 6. A bill to change the time of holding circuit courts in the county of Wells, and for other purposes;

No. 7. An act relating to the office of auditor of Union county;

No. 48. A bill relating to the probate court in Allen county;

Read a third time and passed.

On motion by Mr. Edmonston,

No. 28. A bill to repeal a certain law therein named;

Was taken from the table.

On motion by Mr. Edmonston,

Said bill was, by unanimous consent of the Senate, so amended as to provide that the roads in Dubois county be twenty-five feet wide.

The bill was then passed.

No. 93. A bill (of the House) to postpone the payment of taxes charged against volunteers in the army of the United States;

Which was read a first time, and ordered to a second reading.

No. 56. A bill (of the House) to repeal an act entitled "An act for the relief of the people of Noble, Lagrange, Steuben, and DeKalb counties,"

Which was read a first time, and ordered to a second reading.

No. 12. A bill (of the House) to provide for the issue of patents upon tax sales of Wabash and Erie canal lands;

Which was read a first time.

On motion by Mr. Osborn,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

No. 97. A bill (of the House) to legalize certain acts of the board of commissioners of Clinton county, and for other purposes;

Which was read a first time, and ordered to a second reading.

No. 65. A bill to amend article one of chapter forty-two of the Revised Statutes, on the subject of the liens of mechanics and others on buildings;

Which was read a second time, and ordered to a third reading.

No. 68. A bill fixing the time of holding circuit courts in the county of Marion;

Which was read a second time, and ordered to a third reading.

No. 71. A bill (of the House) to vacate certain streets and alleys in the town of Orleans, in the county of Orange;

Which was read a first time, and ordered to a second reading.

No. 116. A bill (of the House) to change the name of Richardville county;

Which was read a first time.

On motion by Mr. Taber,

The rules were suspended, and said bill read a second time.

Mr. Coffin moved to suspend the rules and read the bill a third time now.

Which motion did not prevail.

Said bill was then ordered to a third reading.

No. 27. A bill for the better regulation of the county board of the county of Warrick;

Read a second time, and,

On motion by Mr. Howell,

Referred to a select committee consisting of Messrs. Howell, Green, and Jackson.

No. 28. A bill to repeal a certain law therein named;

Read a second time, and,

On motion by Mr. Edmonston,

Laid on the table.

On motion,

The Senate adjourned.

MONDAY MORNING, DECEMBER 21, 1846.

The Senate assembled.

The journal of the preceding day was read.

Mr. Read presented the petition of sundry citizens of Jeffersonville and vicinity, in Clark county, relative to unlicensed hacks, carriages, &c., and praying such amendment of the charter of Jeffersonville as may be necessary for the licensing and regulation of such vehicles.

On motion by Mr. Read,

Said petition was referred to a select committee composed of Messrs. Read, Davis, and Zenor.

Mr. Hamrick presented the petition of sundry citizens of the town of Putnamville, praying the vacation of part of a certain alley therein named; which,

On motion by Mr. Hamrick,

Was referred to a select committee composed of Messrs. Hamrick, Beard, and Verbribe.

Mr. Marsh presented the petition of sundry citizens of DeKalb county, praying a law for the allowance to the treasurer of said county of certain fees for certain services not heretofore allowed by law; which,

On motion by Mr. Marsh,

Was referred to a select committee composed of Messrs. Marsh, Winchell, and Taber.

Mr. Winchell presented the petition of John C. Helem and others, praying the repeal of a certain act therein named; which,

On motion by Mr. Winchell,

Was referred to a select committee composed of Messrs. Winchell, Bowers, and Bradbury.

Mr. Hardin presented the petition of John F. Goddard, for a divorce; which,

On motion by Mr. Hardin,

Was referred to a select committee composed of Messrs. Hardin, Parks, and Stewart.

Mr. Cuppy presented the petition of Samuel Buzzard and others, citizens of Whitley and other counties, praying a law compelling the owners of mill dams across Eel river to make sluices therein; which,

On motion by Mr. Cuppy,

Was referred to the judiciary committee.

Mr. Davis presented the petition of sundry citizens of the city of New Albany, praying an amendment to the charter of incorporation of their city; which,

On motion by Mr. Davis,

Was referred to a select committee composed of Messrs. Davis, Read, and Logan.

Mr. Green presented the petition of sundry citizens of Posey township, in Switzerland county for annexation to the county of Ohio.

Mr. Morgan presented the petition of P. A. Hackleman and others, praying the passage of a law for the relief of certain borrowers of trust funds; which,

On motion by Mr. Morgan,

Was referred to the committee on education.

Mr. Milliken presented the petition of sundry citizens of Dearborn county, praying a law to increase the per diem allowance to associate judges in said county; which,

On motion by Mr. Milliken,

Was referred to a select committee composed of Messrs. Milliken, Berry of Franklin, and Morgan.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate No. 12, entitled "A bill relative to the execution of decrees in chancery," have had the same under consideration, and have instructed me to report the same back with an amendment, upon the adoption of which, they respectfully recommend its passage:

Amend, by striking out all after the enacting clause, and insert the following:

No. 12. A bill relative to the execution of decrees in chancery;

Which report was concurred in, and said amendment adopted.

And said bill as amended was ordered to be engrossed for a third reading.

Mr. Davis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution instructing them to inquire into the expediency of making seduction criminal offence, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 70. A bill to provide for the punishment of seduction;

Which was read a first time, and ordered to a second reading.

Mr. Murphey, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, directing them to inquire into the expediency of so amending the laws now in force in the this State, regulating the sale of real and personal property on execution, that where any execution or order of sale may issue upon any judgment, order, or decree, where the same may have been rendered upon any contract, the consideration whereof shall arise from and after the first day of June, 1847, there shall be no appraisement of any property either real or personal, levied upon by virtue of such execution or order of sale, have had the same under consideration, and a majority of the committee have directed me to report the accompanying bill, and recommend its passage:

No. 71. A bill to amend the several laws now in force in this State subjecting real and personal property to execution.

Which was read a first time, and ordered to a second reading.

Mr. Davis, from the committee, on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution instructing them to inquire into the expediency of designating by law the proper person to receive balances due from executors, administrators, and guardians to non-residents, have had the same under consideration, and inasmuch as the committee are of opinion that the law on that subject is sufficient, they deem legislation in relation thereto unnecessary, and therefore ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Howell, chairman of the committee on military affairs, made the following report:

MR. PRESIDENT:

The committee on military affairs, to whom was referred a resolution of the Senate instructing them to inquire into the expediency of exempting from taxation both real and personal property belonging to the volunteers in the Mexican war, have had the same under consideration, and have directed me to report, that inasmuch as there are several bills pending before the Senate on that subject, that further action by the committee is inexpedient, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Howell, chairman of the committee on military affairs, made the following report:

MR. PRESIDENT:

The committee on military affairs, to whom was referred a resolution of the Senate, instructing them to inquire what benefit the State will derive from a reorganization of the militia of the State, and for other purposes, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be laid on the table.

Which report was concurred in.

On motion by Mr. Hamer,

Mr. Zenor was added to the committee on military affairs.

Mr. Goodenow, chairman of the committee on unfinished business, made the following report:

MR. PRESIDENT:

The committee on unfinished business have directed me to report bill No. 93, on the files of last session, entitled "An act to incorporate the Lafayette Hydraulic Company," for the action of the Senate.

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time, and referred to the committee on corporations.

Mr. Milligan, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred a petition of the Senate, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 72. A bill empowering the persons therein named to construct a canal.

Which was read a first time, and ordered to a second reading.

Mr. Clements, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred the petition of Celia Lowder, and divers others, citizens of the county of Daviess, praying an act of the Legislature to dissolve the bonds of matrimony heretofore existing between the said Celia and her husband, Riley Lowder, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 73. A bill to divorce Celia Lowder from her husband, Riley Lowder, of Daviess county.

Which was read a first time, and ordered to a second reading.

Mr. Cuppy, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Martha Warner, and other citizens of Noble county, have had that subject under consideration, and directed me to report the following bill, and recommend its passage:

No. 74. A bill for the relief of Martha Warner.

Which was read a first time, and ordered to a second reading.

Mr. Ellis, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred Senate bill, No. 54, to correct a mistake in the enrolling and publishing an act relative to the New Albany and Vincennes road, have instructed me to report the same back to the Senate with a recommendation that the same be passed.

Said bill was ordered to be engrossed for a third reading.

Mr. Waters, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Anthony Haskett, have had the same under advisement, and directed me to report the following bill, and recommend its passage.

No. 75. A bill for the relief of Anthony Haskett;

Which was read a first time and ordered to a second reading.

Mr. Robinson, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Abner Hobbs and others, and the petition of John W. Moody and others, citizens of Decatur county, praying for a change in the mode of doing county business in said county, and the remonstrance of John F. Stevens and others, against said change, have, according to order, examined and investigated said subject, and have directed me to report the following bill:

No. 76. A bill to change the mode of doing county business in Decatur county;

Which was read a first time and ordered to a second reading.

Mr. Hamrick, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred bill of the Senate, No. 5, in relation to county boards, have had the same under consideration, and have directed me to report the same back, with two amendments, and upon the adoption of which, to recommend its passage.

1st. Amend the first section by striking out the words "several

counties in this State," and insert the words "counties of Putnam and Jefferson."

Second amendment. Third section, after the word "repealed," add "so far as the counties of Putnam and Jefferson are concerned."

Which report was concurred in, and said amendments adopted. The bill was then ordered to be engrossed for a third reading.

Mr. Cuppy, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred a petition for the relief of William Rodebaugh, of Whitley county, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage.

No. 77. A bill for the relief of William Rodebaugh, of Whitley county;

Which was read a first time and ordered to a second reading.

Mr. Holloway, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred a bill for the relief of John Soden, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Said bill was ordered to be engrossed for a third reading.

Mr. Hardin, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred the petition of John F. Goddard, praying to be divorced from his wife, Mary L. V. Goddard, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 79. A bill to divorce John F. Goddard from his wife, Mary L. V. Goddard;

Which was read a first time and ordered to a second reading.

The President laid before the Senate the report of the Agent of State, made in response to a resolution of the Senate, adopted on the 16th inst.; which,

On motion by Mr. Davis,
Was referred to the committee on claims.

Mr. English offered the following resolution:

Resolved, That the Senate will, the House concurring therein, adjourn *sine die* on the second Monday in January next.

On motion by Mr. Montgomery,
The resolution was laid upon the table.

Mr. Hamrick offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of abolishing the office of State Agent, with leave to report by bill or otherwise.

Which was adopted.

Mr. Hardin offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of repealing so much of the school law as works the forfeiture of the funds of school districts, with leave to report by bill or otherwise; and that they be further instructed to inquire into the propriety of repealing so much of said law as makes the State Superintendent the last court of appeal, so that the decision of the county auditor shall be final, with leave as aforesaid.

Which resolution was adopted.

Mr. Parks offered the following resolutions:

Resolved, That the committee on roads be instructed to inquire into the expediency of providing by law for the improvement of the east and west forks of White river by counties, through which the same streams pass, in the same manner that State roads are worked and kept up, with leave to report by bill or otherwise.

Which was adopted.

Mr. Robinson offered the following resolution:

Resolved, That the Superintendent on the Wabash and Erie canal be requested to inform the Senate, at an early day, whether any contract has been made or money expended by him, under an act approved January the 19th, 1846, entitled "An act relative to the water power at Northport, in Noble county," and if no contract has been made, to state whether, in his opinion, it is for the interest of the State that said Northport feeder be completed, whether said feeder is necessary to furnish water for said canal, and if not, whether the water power at that point will yield revenue sufficient to defray the cost of collection and repairs.

Which was adopted.

Mr. Logan offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for the election or appointment of suitable persons, in each township or in each county

in this State, whose duty it shall be to act as general administrator, in the settlement of all decedents' estates, in their respective townships or counties.

Which was adopted.

Mr. Osborn introduced,

No. 80. A joint resolution on the subject of the improvement of harbors on the lakes, and the navigation of rivers;

Which was read a first time, and ordered to a second reading.

Mr. Davis introduced,

No. 81. A bill repealing section nine of chapter nine of article first of the Revised Code of 1843, in relation to notaries public;

Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second time, and referred to the committee on the State Bank;

Mr. Handy introduced,

No. 82. A bill limiting the duties of county treasurers and county auditors in this State;

Which was read a first time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

The following message from the House of Representatives was then taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House of Representatives have passed the following engrossed bills thereof:

No. 51. An act repealing certain acts in relation to the county of Posey;

No. 77. An act to change the name of James Morris Smith to that of James Morris Vestal;

No. 78. An act to amend an act entitled "An act to extend the term of the board doing county business in the county of Tippecanoe," approved January 14, 1846;

No. 80. An act for the benefit of Parke county seminary;

No. 82. An act to repeal an act therein named, so far as the county of Shelby is concerned;

No. 84. An act to reduce the price of the Revised Statutes of 1843;

No. 92. An act to amend the first section of an act entitled "An act prescribing the mode of selecting petit jurors in Sullivan county," approved January 6, 1846;

No. 101. An act to secure to Ohio county a share of the common school and surplus revenue funds, and for other purposes;

No. 107. An act to change the names of Francis Anthony Fisher and Minerva Ridge, to the names of Francis Anthony Greenwood and Minerva Greenwood;

In which the concurrence of the Senate is respectfully requested.

No. 51 of said message was read a first time, and ordered to a second reading.

No. 77 was read a first time, and ordered to a second reading.

No. 78 was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time, and amended by adding to the second section the words, "at the expense of the county."

The bill was then ordered to a third reading.

No. 80 was read a first time, and ordered to a second reading.

No. 82 was read a first time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a second and third times and passed.

No. 84 was read a first time, and ordered to a second reading.

No. 92 was read a first time, and ordered to a second reading.

No. 101 was read a first time.

On motion by Mr. Milliken,

The rules were suspended, and the bill read a second time, and referred to a select committee composed of Messrs. Milliken, Green, and Goodenow.

No. 107 was read a first time, and ordered to a second reading.

The following message from the House was then taken up:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House of Representatives have passed the following engrossed bills thereof, to-wit:

No. 4. An act providing for the correction of errors in patents for lands sold by the State;

No. 10. An act explanatory of the act therein named;

No. 23. An act relative to a certain school district in Hendricks county;

No. 53. An act to amend section 128, chapter 35, of the Revised Statutes of 1843;

No. 91. An act to fix the time of holding courts in the eighth judicial circuit;

In which the concurrence of the Senate is respectfully requested.

No. 4 in said message was read a first time, and ordered to a second reading.

No. 10 was read a first time.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

No. 23 was read a first time, and ordered to a second reading.

No. 53 was read a first time, and ordered to a second reading.

No. 91 was read a first time, and ordered to a second reading.

ORDERS OF THE DAY.

No. 81. A bill (of the House) for the relief of James A. Kindle; Which was read a third time and passed.

No. 26 was read a third time and passed.

No. 36. A bill for the relief of John Kistler;

Which was read a third time; and,

On motion by Mr. Read,

Laid on the table.

The following message was received from his Excellency the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed by his Excellency the Governor to transmit to the Senate the following message in writing.

December 21, 1846.

EXECUTIVE DEPARTMENT, }
December 21, 1846. }

To the President of the Senate:

SIR—In compliance with a resolution of the Senate, I herewith transmit, to be laid before that body, the communication of the Secretary of the Treasury of the United States, referred to in my last annual message.

JAS. WHITCOMB.

On motion by Mr. Read,

Was taken from the table,

No. 36. A bill for the relief of John Kistler.

Mr. Zenor moved to recommit said bill to the committee on claims, with instructions to inquire into the justice of the claim;

Pending which,

On motion,

The Senate adjourned.

2 o'clock, P. M.

Senate met.

The consideration of the subject of the claim of John Kistler was resumed.

And the question then being upon the motion of Mr. Zenor, to recommit the subject to the committee on claims,

Said bill with said instructions was recommitted to the committee on claims.

No. 48. A bill to divorce Abraham Gearhard from his wife, Debby Gearhard.

Mr. Robinson moved to refer the bill to the judiciary committee, with instructions to amend by adding thereto the following section:

SEC. —. This divorce is granted upon the following condition: That it shall be the duty of the parties hereby divorced, to make suitable provisions for the support, maintenance, and education of any children which said parties may have had during coverture; and should the parties hereby divorced, fail or refuse to make such provision for the permanent support and maintenance of said children, then this divorce shall be void.

Mr. Handy moved to lay said instructions and proposed amendment on the table;

Which motion prevailed.

The question then being upon the passage of the bill;

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Monroe, Clements, Coats, Coffin, Cuppy, Davis, Edmonston, English, Green, Hamrick, Handy, Henry, Holloway, Howell, Miller, Milligan, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Taber, Waters, Winchell, and Zenor—28.

Those who voted in the negative are,

Messrs. Bowers, Bradbury, Chenowith, Conner, Ellis, Hamer, Logan, Marsh, Morgan, Murphey, Orth, Robinson, Stewart, and Verbrake—14.

So the bill was passed.

No. 40. A bill to divorce Christian Schwertfeger and wife;

Which was read a third time.

The ayes and noes being demanded on the passage of the bill, by Messrs. Orth and Ellis,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Clements, Coats, Coffin, Cuppy, Davis, Day, Edmonston, English, Green, Hamrick, Handy, Henry, Holloway, Howell, Miller, Milligan, Miliken, Montgomery, Parks, Read, Rockhill, Simpson, Taber, Waters, Winchell, and Zenor—28.

Those who voted in the negative are,

Messrs. Bowers, Bradbury, Chenowith, Conner, Ellis, Hamer, Logan, Marsh, Morgan, Murphey, Orth, Robinson, Stewart, and Verbrike—14.

So the bill was passed.

No. 59 was read a third time and passed.

No. 45. A bill (of the Senate) to authorize clerks of circuit courts to issue writs to other counties in certain cases:

Which was read a third time and passed.

No. 51. A bill (of the Senate) for the relief of purchasers of seminary lands in Monroe and Gibson counties;

Which was read a third time and passed.

No. 39. A bill providing for the letting out the public printing to the lowest bidder;

Which was read a third time.

Mr. Berry of Franklin moved that there be a call of the Senate;

Which was ordered.

The Senators appearing in their seats, the further call was suspended.

Mr. Allison moved to recommit said bill to a committee, with instructions to qualify the amount named in said bill, so that the same shall not exceed the present amount allowed by law.

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Cuppy, Davis, Day, English, Goodenow, Green, Hamer, Hamrick, Hardin, Henry, Holloway, Howell, Jackson, Logan, Miller, Milligan, Milliken, Morgan, Montgomery, Orth, Osborn, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbrike, Waters, and Zenor—41.

Those who voted in the negative are,

Messrs. Edmonston, Ellis, Handy, Marsh, Murphey, Parks, and Winchell—7.

So the bill was recommitted to a select committee composed of Messrs. Allison, Berry of Franklin, and Handy.

No. 49. A bill (of the Senate) relative to guardians of insane persons;

Mr. Orth moved to recommit said bill to the committee on the judiciary, with instructions so to amend it as to apply to all guardians; To which the Senate consented.

No. 116. A bill (of the House) to change the name of Richardville county;

Which was read a third time and passed.

No. 53. A bill (of the Senate) to authorize Nelson Conner, of the county of Grant, and State of Indiana, to maintain and keep up a mill dam across the Mississinnewa river;

Which was read a third time and passed.

No. 55. A bill (of the Senate) on the subject of divorces;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 56. A bill (of the Senate) declaring the meaning of sections 143 and 145 of chapter forty, of the Revised Acts of 1843;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 56. A bill (of the House) to repeal an act entitled "An act for the relief of the people of Noble, Lagrange, Steuben, and De Kalb, counties," approved January 31, 1843;

Which was read a second time, and ordered to a third reading.

No. 58. A bill (of the Senate) repealing an act entitled "An act providing for removing obstructions in Buck creek, in Henry county;"

Which was read a second time.

On motion,

The rules were suspended, and the bill read a third time, and passed.

No. 60. A bill (of the Senate) to divorce Catharine Vickory from Edward Vickory;

Mr. Stewart offered the following amendment: Add,

SEC. —. *Be it further enacted*, That the persons hereby divorced shall not hereafter marry, without first obtaining the consent of the General Assembly of this State, which consent shall in no case be given, until the person applying for the same shall first execute a bond, payable to the State of Indiana, with good security, in the penal sum of five thousand dollars, conditioned for the good behavior of the party in after life.

Mr. Hardin moved to amend the amendment of Mr. Stewart, so as to confine its provisions to the county of Marion;

Which amendment of Mr. Hardin was adopted.

Mr. Stewart's amendment, as amended, was then laid on the table.

The bill was then ordered to be engrossed for a third reading.

No. 61. A bill for the relief of Theodore F. Ellis, of Laporte county.

Mr. Robinson moved to amend said bill by adding,

SEC. —. The divorce hereby granted shall be void, unless agreed to by both parties; but if either party refuse their consent, then the rights of the parties shall be and continue as if said divorce had not been granted.

On motion by Mr. Osborn,
The amendment was laid on the table.

The bill was then ordered to be engrossed for a third reading.

No. 62. A bill (of the Senate) to amend an act entitled "An act to incorporate the Knightstown and Shelbyville Railroad company; Which was read a second time, and ordered to be engrossed for a third reading.

No. 65. A bill (of the House) to amend article one, of chapter forty-two, of the Revised Statutes, on the subject of the liens of mechanics and others on buildings;

Which read a second time; and,

On motion by Mr. Osborn,

Referred to the committee on the judiciary.

No. 66. A bill (of the Senate) to facilitate the building of school houses in the county of Dearborn;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 67. A bill (of the Senate) to compel corporations to keep up bridges when by their action they obstruct State or county roads;

Which was read a second time, and,

On motion by Mr. Morgan,

Referred to the committee on the judiciary.

No. 68. A bill (of the House) to authorize the board doing county business in the county of Orange to appoint an appraiser of real estate subject to taxation, at their March term, in 1847;

Which was read a second time; and,

On motion by Mr. Miller,

Referred to a select committee of Messrs. Miller, Logan, and Beard.

No. 93. A bill (of the House) to postpone the payment of taxes charged against volunteers in the army of the United States;

Read a second time; and,

On motion by Mr. Parks,

Laid upon the table.

No. 97. A bill (of the House) to legalize certain acts of the board of commissioners of Clinton county, and for other purposes;

Read a second time.

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a third time and passed.

On motion,

The Senate adjourned.

TUESDAY MORNING, DECEMBER 22, 1846.

The Senate assembled.

The journal of the preceding day was read.

The President laid before the Senate the following communication of the Secretary of State, stating the number of votes given at the last annual election for Governor and Lieutenant Governor, and for and against the call of a convention.

On motion by Mr. Edmonston,

Said communication was laid upon the table, and 250 copies thereof ordered to be printed.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills and joint resolution thereof:

No. 61. An act to extend the time of receiving work on road tax in the counties therein named;

No. 62. An act to amend an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1842;

No. 75. An act entitled an act declaring a part of Salt Creek a public highway, approved February 13, 1840;

No. 79. An act to amend an act entitled "An act to modify the thirtieth section, chapter sixteen, of the Revised Statutes," approved January 19, 1846;

No. 90. An act in relation to the service of subpoenas in chancery;

No. 102. An act forming all that portion of township one north, of range ten west, which lies south of White river, in Gibson county, into a congressional township, for school purposes;

No. 108. An act in relation to proof of notice by publication;

No. 111. An act to vacate certain alleys in the town of Bloomington;

No. 113. A joint resolution on the subject of school section number sixteen, township seventeen, range six;

No. 114. An act to change the name of Ellen Loudenberger to that of Ellen Lomax;

No. 115. An act to locate a State road in the counties of Grant and Richardville;

No. 120. An act for the relief of Wiley M. Edmonston and Sarah Ann Edmonston, his wife, late Sarah Ann Parrott;

No. 129. An act declaring a certain act therein named to be in force;

In which the concurrence of the Senate is respectfully requested.

The House have also passed the following engrossed bill of the Senate, with four amendments:

No. 22. An act to amend an act entitled "An act for the relief of purchasers of canal lands," approved January 19, 1846;

In which amendments the concurrence of the Senate is respectfully requested.

On motion by Mr. Ellis,

The rules were suspended, and bill of said message,

No. 120. A bill (of the House) for the relief of Wiley M. Edmonston and Sarah Ann Edmonston, his wife, late Sarah Ann Parrott;

Was taken up.

Said bill was read a first time; and,

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

Mr. Miller presented certain papers relative to the subject matter of said bill; which,

On motion by Mr. Miller,

Was also referred to the judiciary committee.

Mr. Parks presented the petition of Madison Lamb, for a divorce; which,

On motion by Mr. Parks,

Was referred to a select committee composed of Messrs. Parks, Berry of Monroe, and Verbriek.

Mr. Taber presented the petition of H. Lasselle of Cass county.

On motion by Mr. Taber,

Said petition was referred to the judiciary committee.

Mr. Murphey presented the petition of Reuben Swain, and others, for the passage of an act legalizing a certain election of trustees for the town corporation of Greensboro'; and also, at the same time, presented a remonstrance on the same subject; which,

On motion by Mr. Murphey,

Were referred to a select committee composed of Messrs. Murphey, Bradbury, and Winchell.

Mr. Beard presented the petition of Charles White, and others, the committee of the board of trustees of the Wabash Manual Labor College and Teachers' Seminary, relative to said College, and praying to be permitted to pay a certain debt in State bonds; which,

On motion by Mr. Handy,

Was referred to the committee on education.

Mr. Winchell presented the petition of certain citizens of Rush county, praying for the divorce of James D. Roberts; which,

On motion by Mr. Winchell,

Was referred to a select committee composed of Messrs. Winchell, Marsh, and Parks.

Mr. Parks, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred joint resolution, No. 50, of the Senate, on the subject of requiring the commissioner heretofore appointed to select the lands donated by the General Government for the completion of the Wabash and Erie Canal, to make out a complete list of said lands so selected, for the use of the several counties in the Vincennes district, have, according to order, had the same under consideration, and have directed me to report the following amendments, and when adopted, recommend its passage.

Amend by inserting after the word "compensation," in the first section, these words, "not exceeding seventy-five dollars."

And add the following section:

SEC. 2. That the said sum allowed by the first section of this joint resolution shall be refunded to the State with six per cent. interest, out of the first proceeds during the first sales of the lands granted by Congress for the completion of said canal from Terre Haute to Evansville.

Which report was concurred in, and said amendments adopted.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the joint resolution read a third time, and passed.

Mr. Winchell, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred Senate bill, No.

37, entitled "An act changing the mode of electing county surveyors," have had the same under consideration, and directed me to report that said committee consider it inexpedient to further legislate on that subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred sundry resolutions on the subject of changing the present probate system of the State, have instructed me to return said resolutions to the Senate, the said committee having been discharged from the further consideration of that subject.

Which report was concurred in.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of so amending the 214th section of chapter forty of the Revised Statutes of 1843, so that parties to suits may not be estopped by any rule of the common law from pleading and showing the want or failure of consideration to any instrument, &c., have instructed me to report that further legislation on that subject is inexpedient, inasmuch as the committee are fully satisfied that such is now the law, and that a failure of consideration may be shown in any action founded upon any specialty or other contract whatever; conveyances of real estate and instruments negotiable by the law merchant only excepted.

Which report was concurred in.

Mr. Stewart, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred a bill of the Senate No. 34, "An act for the relief of certain heirs therein named," have had the same under consideration, and have directed me to report it back, and recommend its indefinite postponement.

On motion by Mr. Berry of Franklin,
The report and bill were laid upon the table.

Mr. Murphey, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, directing them to inquire into the expediency of repealing the appraisement laws, so far as relates to the collection of all debts due executors and administrators, have had the same under consideration, and have directed me to report the following bill:

No. 83. A bill to amend the laws now in force in this State subjecting real and personal property to execution;

Which was read a first time, and ordered to a second reading.

Mr. Miller, chairman of the committee on public buildings, made the following report:

MR. PRESIDENT:

The committee on public buildings, to whom was referred a resolution requesting said committee to ascertain the cause of the smoke in the Senate chamber, and to report the defects of the State House, if any, herewith submit a letter of John B. Dillon, Esq., for the information of the Senate on that subject:

Hon. H. MILLER,

Chairman of Senate committee on Public Buildings:

SIR—I am sorry that I have not time at this moment, to make out a particular report, according to your request. But it may be sufficient to state that, in examining the flue of one of the chimneys, it was found to be almost closed by pieces of bricks and mortar, hardened. The obstruction has been removed, at an expense of five dollars, and the draft of the flue is now very good.

In great haste,

Very respectfully,

JOHN B. DILLON.

December 21, 1846.

Mr. Davis, chairman of the committee on the State Bank, made the following report:

MR. PRESIDENT:

The committee on the State Bank, to which was referred bill of

the Senate No. 81, in relation to notaries public, have had the same under consideration, and a majority of said committee have instructed me to report said bill back to the Senate, and recommend its passage.

The bill was ordered to be engrossed for a third reading.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has signed the following enrolled bills thereof; which I am directed to bring to the Senate for the signature of the President thereof.

No. 1. An act for the extension of the time of holding the probate courts in certain counties therein named;

No. 14. An act to legalize the publication of the lands returned and remaining delinquent and sales thereof, for taxes due thereon, in the county of Shelby, for the years eighteen hundred and forty-four and forty-five;

No. 46. An act to repeal the provisions of an act entitled "An act to amend the fourth article of the sixteenth chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5, 1844, so far as the same relates to the said county of Jackson.

Mr. Berry of Franklin, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred a bill entitled "A bill to incorporate the Grand and Subordinate Divisions of the order of the Sons of Temperance of the State of Indiana," have had that subject under consideration, and directed me to report it back to the Senate, and recommend its passage.

On motion by Mr. Berry of Franklin,

The rules were suspended, and the bill read a third time, and passed.

Mr. Edmonston, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of William D. Kelso, asking to be divorced from his wife, Nancy Kelso,

have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage:

No. 84. A bill to divorce William D. Kelso from his wife, Nancy Kelso;

Which was read a first time, and ordered to a second reading.

Mr. Read, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred the petition of sundry citizens of the town of Jeffersonville, praying for the passage of a law, to amend an act entitled "An act to incorporate the town of Jeffersonville," have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 85. A bill to amend an act entitled "An act to incorporate the town of Jeffersonville," approved January 28, 1839, and the amendments thereto;

Which was read a first time, and ordered to a second reading.

Mr. Miller, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred bill of the House No. 68, "A bill to authorize the board doing county business in the county of Orange to appoint an appraiser of real estate subject to taxation, at their March term, 1847," have considered that subject, and directed me to report the same back to the Senate, with one amendment, and recommend its passage:

Amend by adding the following section:

SEC. 4. It shall be the duty of the Secretary of State to forward a copy of this act immediately to the auditor of Orange county.

Which report was concurred in, and said amendment adopted.

And said bill as amended was ordered to a third reading.

Mr. Howell, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred bill of the House No. 27, entitled "A bill for the better regulation of the county board in the county of Warrick," have had the same under consideration, and directed me to report the same back to the Senate, without amendment, and recommend its passage.

The bill was ordered to a third reading.

Mr. Robinson, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred bill No. 57, of the Senate, have, according to order, had that subject under consideration, and have amended said bill by striking the same out from the enacting clause, and have directed me to report the following as a substitute in lieu thereof:

No. 57. A bill to create the thirteenth judicial circuit, and to change the time of holding courts in the third judicial circuit;

On motion by Mr. Berry of Franklin,
The report and bill were laid upon the table.

Mr. Allison, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the Senate No. 39, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend the following amendment:

Add to the second section the following proviso:

Provided, That the price paid for printing as above, shall, in no case, exceed the amount now fixed by the Statute.

Which report was concurred in, and said amendment adopted.

Said bill was read a third time.

On the passage of the bill,

The ayes and noes were demanded by Messrs. Orth and Berry of Franklin; and,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Rockhill, Stewart, Stockwell, and Taber—25.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Holloway, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, Verbrake, Waters, Winchell, and Zenor—21.

So the bill was passed.

Mr. Goodenow offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law as to require that no certificate of qualifications shall be given to a common school teacher unless such teacher be competent to teach arithmetic, English grammar, and geography.

Which resolution was adopted.

Mr. Bowers offered the following resolution:

Resolved, That the committee on agriculture be instructed to ascertain if article fifth of chapter twenty-five, of the Revised Code is or is not a dead letter upon our Statute Books, and if so, to inquire if sound policy and justice do not require some further legislation for the encouragement of agriculture, and the diffusing of agricultural intelligence amongst the farming community, with leave to report by bill or otherwise.

Which was adopted.

Mr. Hardin offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire whether some law is not necessary in cases of the insanity of county officers, either to declare the office vacant, or to authorize the appointment of a deputy when by law such officer is entitled to the same, with leave to report by bill or otherwise.

Which was adopted.

Mr. Handy offered the following resolution:

Resolved, That the committee on benevolent institutions of the State be discharged from the further consideration of the subject relative to the late matron of the Deaf and Dumb Asylum, in as much as the trustees have full charge of that subject.

On motion by Mr. Montgomery,

The resolution was amended by inserting after the word "matron," the words "of the Deaf and Dumb Asylum."

Mr. Hardin offered the following amendment to the resolution:

Amend so that the committee on benevolent institutions be authorized to inquire into the management, government, expenses, and every thing connected with the Deaf and Dumb Asylum under the control of the board of trustees; and further, to inquire into the abuses alleged to exist in said Institution, and report the result to the Senate.

Mr. Berry of Franklin moved to amend the amendment of Mr. Hardin by instructing said committee to inquire and report to the Senate whether the trustees know of such improper conduct in the Principal as to destroy the harmony of the Institution, and injure its prospects for utility.

Mr. Edmonston moved to lay the resolution and pending amendments upon the table;

The ayes and noes being demanded by Messrs. Handy and Montgomery,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Day, Edmonston, Ellis, English, Green, Hardin, Howell, Jackson, Marsh, Miller, Read, Rockhill, Taber, and Waters—15.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Coffin, Conner, Cuppy, Davis, Goodenow, Hamer, Hamrick, Handy, Henry, Holloway, Logan, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Robinson, Simpson, Stockwell, Verbriek, Winchell, and Zenor—33.

So the motion to lay on the table did not prevail.

Mr. Orth moved to lay the pending amendments upon the table;

The ayes and noes being demanded by Messrs. Hardin and Winchell,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Coffin, Conner, Cuppy, Ellis, Goodenow, Hamer, Hamrick, Handy, Holloway, Logan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Robinson, Simpson, Verbriek, Winchell, and Zenor—29.

Those who voted in the negative are,

Messrs. Berry of Franklin, Davis, Day, Edmonston, English, Green, Hardin, Henry, Howell, Jackson, Marsh, Miller, Milligan, Read, Rockhill, Stockwell, Taber, and Waters—18.

So said amendments were laid upon the table.

The question then recurring upon the adoption of the original resolution;

The ayes and noes being demanded by Messrs. Hardin and Montgomery; and,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Coffin, Conner, Cuppy, Goodenow, Hamer, Hamrick,

Handy, Holloway, Logan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Robinson, Simpson, Verbriek, Winchell, and Zenor—28.

Those who voted in the negative are,

Messrs. Berry of Franklin, Davis, Day, Edmonston, Ellis, English, Green, Hardin, Henry, Howell, Jackson, Marsh, Miller, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—19.

So the resolution was adopted.

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

Senate met.

Mr. Green moved to suspend the rules, and take from the table, No. 34. A bill for the relief of certain heirs;

Which was ordered.

Said bill was read a second time; and,

On motion by Mr. Green,

Referred to a select committee composed of Messrs. Green, English, and Davis.

Mr. Hamer introduced,

No. 86. A joint resolution on the subject of postage;

Which was read a first time.

On motion by Mr. Hamer,

The rules were suspended, and the joint resolution read a second and third times and passed.

Mr. Winchell, having obtained leave therefor, offered the following resolution:

Resolved, That his Excellency the Governor be requested to inform the Senate what is the cause (if any) of the delay in laying before the Legislature the amendments contemplated to be made to the law of last winter, to provide for the funded debt of the State of Indiana and for the completion of the Wabash and Erie canal to Evansville, as referred to in his annual message; which amendments it is understood have now been in his hands for some two weeks; and whether it is likely that any amendments to said law will come before the present Legislature.

Mr. Howell moved to lay said resolution upon the table.

Mr. Parks moved a call of the Senate:

Which was ordered.

On motion,

The call of the Senate was suspended.

The question then recurring upon laying said resolution on the table;

And the ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bradbury, Chenowith, Coats, Conner, Cuppy, Davis, Day, Edmonston, English, Goodenow, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Parks, Rockhill, Simpson, Stockwell, Taber, and Waters—31.

Those who voted in the negative are,

Messrs. Coffin, Ellis, Hamer, Hamrick, Osborn, Robinson, Verbriek, Winchell, and Zenor—9.

So the resolution was laid upon the table.

Mr. Davis introduced,

No. 87. A bill to repeal an act entitled "An act for the relief of the heirs of the late Captain Richard McCarty," approved January 15, 1846;

Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

Mr. Cuppy introduced,

No. 88. A bill to repeal a certain act therein named;

Which was read a first time.

On motion by Mr. Marsh,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Osborn introduced,

No. 89. A bill relative to costs;

Which was read a first time, and ordered to a second reading.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House are now ready to proceed with closed doors to the election of Bank Director, to fill the vacancy occasioned by the expiration of the term of service of William Dailey.

On motion by Mr. Edmonston,
The message was reciprocated by the Senate.

Mr. Ellis moved a call of the Senate;

Which was ordered.

Mr. Clements was excused from attendance, on account of sickness.

On motion by Mr. Howell,

The further call was suspended.

Mr. Berry of Franklin introduced,

No. 90. A bill for the relief of certain persons therein named;

Which was read a first time, and ordered to a second reading.

Leave being granted,

Mr. Ellis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred House bill No. 120, for the relief of Wiley M. Edmonston and wife, have instructed me to report the same back to the Senate, with a recommendation that the same be passed.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a third time, and passed.

Mr. Davis introduced,

No. 91. A bill in relation to brokers;

Which was read a first time, and ordered to a second reading.

Mr. Osborn introduced,

No. 92. A bill to give married women power to make wills, and to repeal section nine, chapter thirty, Revised Statutes of 1843;

Which was read a first time, and ordered to a second reading.

The Senate then according to order, proceeded with closed doors, to the election of a Bank Director, in place of the Hon. William Dailey, whose term of service is about to expire; Messrs. Robinson and Berry of Franklin acting as tellers;

And upon counting the first balloting, it appeared that,

William Dailey received	- - - - -	23 votes.
James Morgan received	- - - - -	16 votes.
Scattering,	- - - - -	8 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a second balloting;

And upon counting the same, it appeared that,

William Dailey received	- - - - -	25 votes.
James Morgan received	- - - - -	16 votes.
Scattering,	- - - - -	6 votes.

William Dailey, having received a majority of all the votes given, was declared by the President, duly elected on the part of the Senate, a Director of the State Bank, to serve as such for and during the term of four years, from and after the expiration of his present term of service.

On motion,
The Senate adjourned.

WEDNESDAY MORNING, DECEMBER 23, 1846.

The Senate assembled.

The journal of the preceding day was read.

Mr. Osborn presented the petition of Thomas P. Armstrong, Thomas Jernegan, Abner Baily, W. C. Hanna, Case Tyner, and 145 other citizens of Loperote county, praying for the passage of a law allowing the sense of the voters of that county to be taken on the subject of granting licenses for the retail of spiritous liquors within said county.

On motion by Mr. Osborn,

The petition was referred to a select committee of Messrs. Osborn, Marsh, and Milligan.

Mr. Milliken presented the petition of David Durham and sundry other citizens of Dearborn county, praying for the re-attachment of Ohio county to the county of Dearborn.

On motion by Mr. Milliken,

Said petition was referred to the committee on the judiciary, with instructions to inquire into the constitutionality of the formation of Ohio county, with leave to send for persons and papers.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House is now ready to continue the separate ballotings for Bank Director, to fill the vacancy occasioned by the expiration of the term of service of the Hon. William Dailey.

On motion by Mr. Orth,
The message was reciprocated by the Senate.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to deliver to the Senate the accompanied sealed message, in relation to the election of a Director, on the part of the State, of the State Bank of Indiana.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that at an election held by the House, with closed doors, in pursuance of a resolution of the two houses, for the purpose of electing a Director of the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of William Dailey. James Morgan received, on the tenth ballot, a majority of all the votes given, and was thereupon declared duly elected on the part of the House of Representatives, a Director of the State Bank of Indiana, to serve as such for the term of four years, from and after the expiration of the term of service of the said William Dailey.

M. S. WARD,
Clerk House of Representatives.

The two Houses not agreeing in their choice,

The Senate then proceeded, with closed doors, to a second separate balloting for a Bank Director;

And upon counting the first balloting, it appeared that,

James Morgan received	- - - - -	20 votes.
William Dailey received	- - - - -	20 votes.
Scattering,	- - - - -	8 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a second balloting;

And upon counting the same, it appeared that,

James Morgan received	- - - - -	21 votes.
William Dailey received	- - - - -	21 votes.
Scattering,	- - - - -	7 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a third balloting;

And upon counting the same, it appeared that,

William Dailey received	- - - - -	25 votes.
James Morgan received	- - - - -	20 votes.
Scattering,	- - - - -	4 votes.

William Dailey having received a majority of all the votes given, the President declared him duly elected, on the part of the Senate, a Director of the State Bank, to serve as such for and during the term of four years from and after the expiration of his present term of service.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to deliver to the Senate the accompanying sealed message, in relation to the election of a Director, on the part of the State, of the State Bank of Indiana.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that at an election held by the House, with closed doors, in pursuance of a resolution of the two Houses, for the purpose of electing a Director of the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of William Dailey. William Dailey received, on the first ballot, a majority of all the votes given, and was thereupon declared duly elected, on the part of the House of Representatives, a Director of the State Bank of Indiana, to serve as such for the term of four years, from and after the expiration of the term of service of said William Dailey.

M. S. WARD,
Clerk of House of Representatives.

Mr. Parks, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bills of the Senate Nos. 1 and 44, with several amendments on the subject of advertising the delinquent lists of the several counties of this State, have, according to order, had the subject under consideration, and have directed me to report the following amendment, and when adopted, recommend its passage:

Strike out from the enacting clause, and insert,

No. 1: A bill to define the mode of advertising the delinquent list;

Which report was concurred in, and said amendment adopted.

Mr. Davis moved that the bill be recommitted to the committee on finance, with instructions to make it the duty of the several

county boards, where the delinquent list is published in a newspaper, to let the printing of the same out to the lowest bidder.

Which motion did not prevail.

Mr. Davis then moved to recommit the bill to a select committee with the same instructions.

Mr. Allison moved to amend the instructions by adding thereto, as follows:

"Where there are two or more newspapers published in the county where the delinquent lands lie."

Which amendment was accepted by Mr. Davis.

The question then recurring upon recommitting with the instructions; and,

The ayes and noes being demanded by Messrs. Davis and Orth,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Bowers, Clements, Coffin, Conner, Cuppy, Davis, Day, Edmonston, English, Goodenow, Hamer, Hamrick, Hardin, Henry, Howell, Jackson, Logan, Marsh, Milligan, Milliken, Morgan, Montgomery, Orth, Osborn, Read, Robinson, Rockhill, Simpson, Stewart, Taber, Waters, and Zenor—34.

Those who voted in the negative are,

Messrs. Allison, Berry of Monroe, Bradbury, Chenowith, Coats, Ellis, Green, Handy, Holloway, Miller, Murphey, Parks, Stockwell, Verbrike, and Winchell—15.

So the bill was recommitted with the proposed instructions, to a select committee of Messrs. Davis, Berry of Franklin, Verbrike, and Allison.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House to return the accompanying sealed message from the Senate, for the purpose of having the same corrected, with regard to the discrepancies between it and that of the House, as to the term for which said Bank Director was elected as therein mentioned.

Mr. Edmonston, chairman of the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom
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was referred Senate bill No. 64, entitled "A bill for the relief of David Burr," have had that subject under consideration, and instructed me to report it back to the Senate, with one amendment, which, when adopted, they recommend its passage:

Amend by adding,

SEC. —. It shall be the duty of the Superintendent of the Wabash and Erie canal to designate which lands shall be so paid out, by the certificates relinquished by said Burr.

Which report was concurred in, and said amendment adopted.

On motion by Mr. Edmonston,

The bill was further amended, by striking out after the words "payment of," the words "interest or."

The bill as amended, was then ordered to be engrossed for a third reading.

Mr. Stockwell, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred resolution No. 3, of the Senate, have had the same under consideration, and have directed me to report, that they deem it inexpedient to recommend any action thereon, inasmuch as the existing laws fully provide for the proper consideration of all the circumstances under which damages may be claimed.

Which report was concurred in.

Mr. Berry of Franklin, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred House bill No. 23, entitled "A bill to incorporate the Clifty Band of Musicians, in Decatur county," have had that subject under consideration, and directed me to report it back to the Senate with one amendment, which, when concurred in they recommend its passage.

Amend by adding,

SEC. —. The provisions of this act are hereby extended to Thomas Justice, Wm. J. McCrary, Parley Freeland, Martin Dashiell, Joseph McCrary, Henry Gatenbee, Jesse J. Palmer, John Claspel, and their associates, to be known by the name and style of "The Moore's Hill Musical Institute," of Dearborn county, with all the privileges and rights hereby granted to the persons named in the first section of this act.

Which report was concurred in, and the amendment adopted. The bill as amended, was then ordered to a third reading.

Mr. Orth, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred bill of the Senate No. —, entitled "A bill to incorporate the Lafayette Hydraulic company," have had the same under consideration, and have directed me to report the following amendments thereto, upon the adoption of which, they recommend its passage:

First amendment. After the name of John Purdue, in the third line of the first section, insert the names of Eli N. Cooper, Samuel McCormick, Jesse Watson, John Roberts, and Rudolph S. Ford.

Second amendment. Strike out the fourth and fifth lines of the first section.

Third amendment. Strike out the third section of the bill.

Which report was concurred in, and the amendments adopted.

The bill as amended, was ordered to be engrossed for a third reading.

Mr. Henry, chairman of the committee on the benovolent institutions of the State, made the following report:

MR. PRESIDENT:

The committee on the benevolent institutions of the State, to whom was referred a resolution of the Senate, instructing said committee "to inquire into the causes that led to the recent withdrawal or discharge of Mrs. Mary A. W. Johnson as matron, from the State Deaf and Dumb Institution," have instructed me to report, that, whereas, a resolution of the Senate has been passed discharging said committee from the further consideration of the subject relative to said matron; said committee therefore beg leave to return said resolution referred to them back to the Senate.

Which report was concurred in.

Mr. Milliken, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 101, providing for the division of school funds between Dearborn and Ohio counties, have had the same under consideration, and directed me to report it back to the Senate and recommend its passage.

The bill was then ordered to a third reading.

Mr. Parks, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Madison Lamb, have, according to order, had that momentous subject under consideration, and a majority have directed me to report the following bill, and recommend its passage:

No. 94. A bill to dissolve the bonds of matrimony between Madison Lamb and Elizabeth Lamb;

Which was read a first time and ordered to a second reading.

Mr. Clements, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred bill of the Senate No. 63, have had the same under consideration, and have directed me to report it back, and recommend its passage.

The bill was then ordered to be engrossed for a third reading.

Mr. Murphey, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Reuben Swain and others, citizens of the town of Greensboro', Henry county, praying the passage of an act to legalize the election of trustees for the corporation of said town; and also the remonstrance of M. L. Wickersham and others, on the same subject, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 95. A bill to legalize the election of trustees for the corporation of the town of Greensboro', Henry county;

Which was read a first time, and ordered to a second reading.

Mr. Hardin offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of constituting by law a majority of the board of school trustees a quorum to do business.

Which was adopted.

Mr. Orth offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of providing by law for the furnishing of one copy of the "Common School Advocate," published at Indianapolis, for each school district in the State, or for each auditor's office in the State. Also, that they inquire of H. F. West, the editor of said Advocate, upon what terms he can furnish one copy for each school district, or for each auditor's office in the State. Also, whether in the event of the State authorizing any such subscription, he will publish in his Advocate, gratuitously, the school laws of the State and such amendments as may from time to time be made thereto.

Pending which,

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Mr. Milliken moved a call of the Senate;

Which was ordered.

On motion by Mr. Milliken,

The further call was suspended.

The Senate then resumed the consideration of the resolution of Mr. Orth, which was pending at the last adjournment.

The question recurring upon the adoption of the same; and,

The ayes and noes being demanded by Messrs. Orth and Hardin,

Those who voted in the affirmative are,

Messrs. Bowers, Coats, Coffin, Day, Edmonston, English, Green, Henry, Logan, Marsh, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Read, Simpson, and Waters—19.

Those who voted in the negative are,

Messrs. Beard, Berry of Monroe, Bradbury, Chenowith, Clements, Conner, Davis, Ellis, Hamrick, Handy, Hardin, Holloway, Jackson, Miller, Osborn, Parks, Robinson, Rockhill, Stockwell, Verbriek, Winchell, and Zenor—22.

So the resolution was not adopted.

Mr. Milliken introduced,

No. 96. A bill in relation to testimony to determine the amount of territory in counties in certain cases;

Which was read a first time.

On motion by Mr. Milliken,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

Mr. Conner introduced,

No. 97. A bill to provide for a special session of the Probate court of Hamilton county;

Which was read a first time.

On motion by Mr. Conner,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Winchell introduced,

No. 98. A bill to authorize Malon Waldron and Caleb Boots to maintain and keep up a mill dam in Grant county;

Which was read a first time, and ordered to a second reading.

Mr. Holloway introduced,

No. 99. A bill in relation to retailing intoxicating liquors in Wayne county;

Which was read a first time, and ordered to a second reading.

Mr. Osborn introduced,

No. 100. A bill relative to the assignment of dower and to amend article three, chapter forty-five, Revised Statutes of 1843;

Which was read a first time and ordered to a second reading.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has signed the following enrolled bills of the House:

No. 8. An act to incorporate the Decatur County Medical Society;

No. 120. An act for the relief of Wiley M. Edmonston and Sarah Ann Edmonston, his wife, late Sarah Ann Parrott;

Which I am directed to bring to the Senate for the signature of the President thereof.

Which were signed by the President.

Mr. Rockhill moved to suspend the rules and take from the messages from the House,

No. 22. A bill (of the Senate) to amend an act entitled "An act for the relief of purchasers of canal lands," approved January 19th, 1846;

Which motion prevailed.

The first, second, and third amendments of the House were concurred in by the Senate.

On the question of concurring in the fourth amendment of the House,

"Providing that if the bondholders accept the provisions of said bill and the same become a law, otherwise this section shall not be in force."

The ayes and noes being demanded by two Senators, and,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Coats, Coffin, Conner, Day, Ellis, Hamrick, Henry, Logan, Miller, and Morgan—11.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Cuppy, Edmonston, Goodenow, Green, Hamer, Handy, Hardin, Holloway, Howell, Jackson, Marsh, Milligan, Milliken, Montgomery, Murphey, Orth, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbrike, Waters, Winchell, and Zenor—36.

So the Senate refused to concur.

Mr. Orth introduced,

No. 101. A bill to amend an act to incorporate the Lafayette Bridge Company;

Which was read a first time, and ordered to a second reading.

Mr. Stewart introduced,

No. 102. A bill relative to executions;

Which was read a first time, and ordered to a second reading.

Mr. Berry of Monroe introduced,

No. 103. A bill to give additional time to the probate court of Monroe county;

Which was read a first time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a second and third times, and passed.

Leave being granted,

Mr. Hamrick, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of D. W. Layman and others, praying for the passage of an act vacating a certain alley in the town of Putnamville, have had the same under consideration, and have direct me to prepare and report the accompanying bill, and recommend its passage:

No. 104. A bill to vacate a certain alley in the town of Putnamville;

Which was read a first time.

On motion by Mr. Hamrick,

The rules were suspended, and the bill read a second and third times, and passed.

Leave being granted,

Mr. Handy, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Elizabeth Lister, praying for a divorce from her husband, Samuel Lister, have had that subject under consideration, and have directed me to report the accompanying bill and recommend its passage:

No. 105. A bill for the relief of Elizabeth Lister;

Which was read a first time and ordered to a second reading.

The Senate then took up the consideration of the orders of the day.

BILLS ON THIRD READING.

No. 5. A bill (of the Senate) in relation to county roads;

Which was read a third time and passed.

On motion by Mr. Ellis,

The title of said bill was amended, by adding thereto the words, "in the counties of Putnam and Jefferson."

No. 12. A bill (of the Senate) relative to the execution of decrees in chancery;

Which was read a third time and passed.

No. 27. A bill (of the House) for the better regulation of the county board in the county of Warrick;

Which was read a third time and passed.

No. 55. A bill (of the Senate) on the subject of divorces;

Which was read a third time and passed.

No. 54. A bill (of the Senate) to correct a mistake in the enrolling and publishing an act to amend the several acts now in force relative to the New Albany and Vincennes road, approved January 19, 1846;

Which was read a third time and passed.

No. 56. A bill (of the Senate) declaring the meaning of sections 143 and 145 of chapter forty, of the Revised Acts of 1843;

Which was read a third time and passed.

Mr. Ellis moved to amend the title of said bill so as to read:

"A bill relative to the assignment of breaches in declarations in suits on bonds."

Which amendment was not adopted.

No. 56. A bill (of the House) to repeal an act entitled "An act for the relief of the people of Noble, Lagrange, Steuben, and De Kalb, counties," approved January 30, 1843;

Which was read a third time and passed.

No. 60. A bill (of the Senate) to divorce Catharine Vickory from Edward Vickory, her husband;

Which was read a third time and passed.

Mr. Robinson moved to amend the title of the bill as follows:

"A bill to violate the constitution of this State, and for other unwholesome, unholy, and unlawful purposes."

Which amendment was not adopted.

No. 61. A bill (of the Senate) for the relief of Theodore F. Ellis, of Laporte county;

Which was read a third time.

On the passage of the bill,

The ayes and noes being demanded by Messrs. Orth and Robinson,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Cuppy, Davis, Day, Edmonston, English, Green, Handy, Hardin, Henry, Holloway, Howell, Jackson, Miller, Milligan, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stockwell, Taber, Waters, Winchell, and Zenor—31.

Those who voted in the negative are,

Messrs. Allison, Chenowith, Clements, Coats, Coffin, Conner, Ellis, Goodenow, Hamer, Hamrick, Logan, Marsh, Morgan, Murphey, Orth, Robinson, Stewart, and Verbrake—18.

So the bill was passed.

No. 62. A bill (of the Senate) to amend an act entitled "An act to incorporate the Knightstown and Shelbyville Railroad company;"

Which was a third time and passed.

Mr. Berry of Franklin moved to reconsider the vote by which said bill was passed;

Which motion prevailed.

The question then recurring upon the passage of said bill;

The ayes and noes were demanded by Messrs. Edmonston and Berry of Franklin;

Those who voted in the affirmative are,

Messrs. Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Holloway, Marsh, Milligan, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Stockwell, Taber, Verbrake, Waters, Winchell, and Zenor—27.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Coats, Cuppy, Day, Edmonston, English, Green, Hamrick, Hardin, Henry, Howell, Logan, Miller, Parks, Read, Rockhill, Stewart, Handy, and Jackson—20.

So the bill was passed.

No. 66. A bill (of the Senate) to facilitate the building of school houses in the county of Dearborn;

Which was read a third time and passed.

No. 68. A bill (of the House) to authorize the board doing county business in the county of Orange to appoint an appraiser of real estate subject to taxation, at their March term, in 1847;

Which was read a third time and passed.

No. 68. A bill (of the Senate) fixing the time of holding circuit courts in the county of Marion;

Which was read a third time and passed.

No. 69. A bill (of the Senate) changing the time of holding courts in the eleventh judicial circuit;

Which was read a third time and passed.

No. 71. A bill (of the House) to vacate certain streets and alleys in the town of Orleans, in the county of Orange;

Which was read a third time and passed.

No. 78. A bill (of the House) to amend an act entitled "An act to extend the term of the board doing county business in the county of Tippecanoe;"

Which was read a third time and passed.

No. 78. A bill (of the Senate) for the relief of John Soden;

Which was read a third time and passed.

No. 81. A bill (of the Senate) repealing section nine of chapter nine, of article first, of the Revised Code of 1843, in relation to notaries public;

Which was read a third time.

Mr. Handy moved to recommit the bill to a select committee, with instructions to provide that such bank clerk shall not have any compensation as notary public.

Mr. Davis moved to lay said motion and instructions upon the table;

Which motion prevailed.

Mr. Handy moved to lay the bill upon the table;

Which motion did not prevail.

The question then recurring upon the passage of the bill;

The ayes and noes were demanded by Messrs. Handy and Jackson,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bradbury, Chenowith, Clements, Coffin,

Conner, Davis, Edmonston, Ellis, Goodenow, Hamer, Hamrick, Holloway, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Rockhill, Simpson, Verbrike, Waters, Winchell, and Zenor—27.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Coats, Cuppy, Day, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Parks, Read, Stewart, Stockwell, and Taber—22.

So the bill was passed.

On motion,

The Senate adjourned.

THURSDAY MORNING, DECEMBER 24, 1846.

The Senate assembled.

The journal of the preceding day was read.

Mr. Howell asked and obtained leave of absence for Mr. Jackson, until Monday next.

Mr. Berry of Monroe asked and obtained leave of absence for Mr. Parks, until Monday next.

Mr. Morgan asked and obtained leave of absence for Mr. Verbrike, until Monday next.

Mr. Rockhill presented the petition of Messrs. Bayless and Jones, for the incorporation of a female seminary at Fort Wayne; which,

On motion by Mr. Rockhill,

Was referred to a select committee composed of Messrs. Rockhill, Taber, and Cuppy.

Mr. Orth presented the petition of J. & E. S. Beard, for the right to institute a certain action at law; which,

On motion by Mr. Orth,

Was referred to the committee on canals and internal improvements.

Mr. Clements presented the petition of sundry citizens of Daviess county, for a change in the law compelling voters to vote in their respective townships.

On motion by Mr. Clements,

The petition was referred to the committee on elections.

Mr. Logan presented the petition of Lancasy Sherwood and others, on the subject of a divorce: which,

On motion by Mr. Logan,

Was referred to a select committee of Messrs. Logan, Zenor, and Miller.

Mr. Clements presented the petition of David Raleigh, for a divorce; which,

On motion by Mr. Clements,

Was referred to a select committee of Messrs. Clements, Davis, and Allison.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 12, entitled "An act to provide for the issue of patents upon tax sales of Wabash and Erie canal lands," have had the same under consideration, and instructed me to report the same back to the Senate, and recommend its indefinite postponement.

Which report was concurred in, and the bill accordingly indefinitely postponed.

Mr. Osborn, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred Senate bill No. 49, entitled "A bill relative to guardians of insane persons," with instructions to make its provisions apply to all guardians, have instructed me to report the same back to the Senate with the following amendments:

Strike out the words "insane person," in the fourth line of the first section, and lieu thereof insert the word "estate."

Strike out the words "any insane person," in the fifth line of said section, and in lieu thereof insert "such estate."

Amend the title as follows:

Strike out all after the word "to," and insert in lieu thereof "allowances to guardians."

And when so amended, recommend its passage.

Which report was concurred in, and the amendments adopted.

On motion by Mr. Orth,

The rules were suspended, and the bill read a third time and passed.

Mr. Holloway, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to which was referred a resolution of the Senate, instructing said committee to inquire into the expediency of providing by law for the election of suitable persons in each township or county in the State, whose duty it shall be to act as general administrator in the settlement of all decedents' estates in their respective townships or counties, have had the same under consideration, and have directed me to report it back to the Senate, and express it as the opinion of said committee that it is inexpedient to legislate upon the subject.

Which report was concurred in.

Mr. Davis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate No. 87, to repeal an act entitled "An act for the relief of the heirs of the late Captain Richard McCarty," approved January 18th, 1846, have had the same under consideration, and have instructed me to report said bill back to the Senate, and recommend its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Henry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a bill entitled "An act limiting the duties of county treasurer and county auditor in this State," have had the same under consideration, and directed me to report the same back to the Senate with an amendment, and upon the adoption of said amendment, to recommend its passage.

Amendment. After the words "county treasurer," in the fifth line of the first section, insert the words, "or any officer of any of the trust funds of this State."

Which report was concurred in, and the amendment adopted.

And the bill as amended, was ordered to be engrossed for a third reading.

Mr. Clements, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of enacting a law vacating any office held by any insane person, have had the same under consideration, and have instructed me to report the following bill, and recommend its passage:

No. 106. A bill to vacate offices when the officers become insane: Which was read a first time, and ordered to a second reading.

Mr. Robinson, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred bill of the House No. 65, have directed me to report said bill back to the Senate with one amendment, and recommend its passage.

Amend by striking out of said bill the following words, to-wit: "For all sums of ten dollars and upwards," and insert in lieu thereof "for any sum."

Which report was concurred in, the amendment adopted, and the bill ordered to a third reading.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House of Representatives have receded from their fourth engrossed amendment to bill of the Senate,

No. 22. An act to amend an act entitled "An act for the relief of purchasers of canal land," approved January 19, 1846.

The President laid before the Senate the communication of the General Superintendent of the Wabash and Erie canal; which,

On motion by Mr. Howell,

Was laid on the table.

Mr. Robinson asked and obtained leave of absence for Mr. Conner, until Monday next.

Mr. Robinson, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Stephen Greenleaf and others, praying for an amendment to the charter of the Milford and Columbus Railroad company, have, according to order, had the same under consideration, and directed me to report the following bill, in accordance with the prayer of the petitioners.

No. 107. A bill to amend the charter of the Milford and Columbus Railroad company;

Which was read a first time and ordered to a second reading.

Mr. Winchell, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of James D. Roberts and others, praying that the said Roberts may be divorced from his wife, Sarah Jane Roberts, have had the same under consideration, and directed me to report the accompanying bill:

No. 108. A bill to dissolve the bonds of matrimony existing between James D. Roberts and Sarah Jane Roberts;

Which was read a first time, and ordered to a second reading.

Mr. Milliken introduced,

No. 109. A bill to incorporate a public seminary in the town of Aurora, in the county of Dearborn;

Which was read a first time and ordered to a second reading.

Mr. Winchell introduced,

No. 110. A bill to divorce Martha J. Thompson from Andrew B. Thompson, her husband;

Which was read a first time and ordered to a second reading.

Mr. Stockwell introduced,

No. 111. A bill extending the time for holding the several terms of the probate court of Vanderburg county;

Which was read a first time and ordered to a second reading.

Mr. Orth introduced,

No. 112. A bill to legalize the transfer of certain canal certificates;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Robinson introduced,

No. 113. A bill concerning elections in Decatur county;

Which was read a first time, and ordered to a second reading.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House of Representatives have passed the following engrossed bill of the Senate, without amendment:

No. 97. An act to provide for a special session of the probate court of Hamilton county;

Leave being granted,

Mr. Holloway offered the following resolution:

Resolved, That the door-keeper of the Senate be authorized to hand over to William H. Churchman one hundred copies of the report of the "Trustees for the education of the Blind," for circulation.

Which was adopted.

Mr. Clements introduced,

No. 114. A bill to enable executors and administrators to settle estates;

Which was read a first time, and ordered to a second reading.

The Senate then went into the consideration of the orders of the day.

BILLS ON THIRD READING.

No. 33. A bill (of the House) to incorporate the Clifty Band of Musicians in Decatur county;

Read a third time and passed.

On motion by Mr. Berry of Franklin,

The title of the bill was amended by adding thereto, the words "and the Mooresville Musical Institute, of Dearborn county."

No. 63. A bill (of the Senate) to authorize the Superintendent of the New Albany and Vincennes road to re-build bridges that have washed away on said road;

Which was read a third time and passed.

Leave being granted.

Mr. Orth introduced,

No. 115. A bill for the relief of Andrew Baker and Rosanna Baker, his wife, and Alexander Mendenhall;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

No. 93. A bill (of the Senate) to incorporate the Lafayette Hydraulic company;

Which was read a third time and passed.

No. 101. A bill (of the House) to secure to Ohio county a share

of the common school and surplus revenue funds, and for other purposes;

Which was read a third time and passed.

No. 64. A bill (of the Senate) for the relief of David Burr;

Which was read a third time and passed.

BILLS ON SECOND READING.

No. 84. A bill (of the Senate) to reduce the price of the Revised Statutes of 1843;

Which was read a second time, and ordered to a third reading.

No. 23. A bill (of the House);

Which was read a second time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a third time, and passed.

No. 51. A bill (of the House) repealing certain acts in relation to the county of Posey;

Which was read a second time, and ordered to a third reading.

No. 53. A bill (of the House) to amend section 128, chapter 35, of the Revised Statutes of 1843;

Which was read a second time, and ordered to a third reading.

No. 70. A bill (of the Senate) to provide for the punishment of seduction;

Which was read a second time, and ordered to a third reading.

No. 71. A bill (of the Senate) to amend the several laws now in force in this State subjecting real and personal property to execution.

Which was read a second time; and,

On motion by Mr. Handy,

Laid upon the table.

No. 72. A bill (of the Senate) empowering the persons therein named to construct a canal.

Which was read a second time; and,

On motion by Mr. Edmonston,

Referred to the committee on corporations.

No. 73. A bill (of the Senate) to divorce Celia Lowder from her husband, Riley Lowder, of Daviess county.

Which was read a second time, and ordered to be engrossed for a third reading.

No. 74. A bill (of the Senate) for the relief of Martha Warner.

Which was read a second time, and ordered to be engrossed for a third reading.

N. 75. A bill (of the Senate) for the relief of Anthony Haskett;

Which was read a second time; and,

On motion by Mr. Berry of Franklin,

Referred to the committee on finance.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has signed the following enrolled bill thereof:

No. 116. A bill to change the name of Richardville county;

Which I am directed to bring to the Senate for the signature of the President thereof.

The President of the Senate accordingly signed said bill.

No. 76. A bill (of the Senate) to change the mode of doing county business in Decatur county;

Which was read a second time.

On motion by Mr. Robinson,

The rules were suspended, and said bill read a third time, and passed.

No. 77. A bill (of the Senate) for the relief of William Rodebaugh, of Whitley county;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 77. A bill (of the House) to change the name of James Morris Smith to that of James Morris Vestal;

Which was read a second time, and ordered to a third reading.

No. 79. A bill (of the Senate) to divorce John F. Gardner from his wife, Mary L. V. Gardner;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 80. A joint resolution (of the Senate) on the subject of the improvement of harbors on the lakes, and the navigation of rivers;

Which was read a second time.

Mr. Edmonston moved to lay the joint resolution upon the table;

The ayes and noes being called for by Messrs. Orth and Edmonston,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, and Waters—21.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Mor-

gan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Stockwell, Taber, Winchell, and Zenor—33.

So the joint resolution was not laid upon the table.

Mr. Edmonston moved that there be a call of the Senate; Which motion did not prevail.

Mr. Berry of Franklin moved to amend said joint resolution by adding to the first section as follows:

"Provided, Such improvements shall clearly be of national importance and benefit."

Mr. Osborn moved to lay the amendment on the table.

The ayes and noes being called for by Messrs. Osborn and Berry of Franklin,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Winchell, and Zenor—22.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—23.

So the amendment was not laid upon the table.

Mr. Osborn then moved to amend the amendment by striking out the word "clearly;" and,

The ayes and noes being demanded by Messrs. Hardin and Edmonston,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Marsh, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Winchell, and Zenor—23.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Logan, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—22.

So the amendment was adopted.

Mr. Handy moved to lay the joint resolution and pending amendments upon the table; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Stockwell, and Waters—22.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Taber, Winchell, and Zenor—23.

So the joint resolution and pending amendments were not laid upon the table.

Mr. Berry of Franklin moved to refer the resolution and amendments to the committee on federal relations.

Pending which,

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Leave being granted,

Mr. Ellis offered the following resolution:

Resolved, That a select committee be appointed to inquire into the expediency of further opening and completing the New Albany and Vincennes road, and to devise the ways and means of accomplishing the same; with leave to report by bill or otherwise.

Which was adopted.

The President appointed the following gentlemen that committee: Messrs. Ellis, Davis, Clements, Miller, and Zenor.

Leave being granted,

Mr. Ellis offered the following resolution:

Resolved, That when the Senate adjourns, the House concurring, it will adjourn to meet on Monday next.

Mr. Read moved to amend by striking out "Monday, and inserting "Saturday."

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Bowers, Bradbury, Chenowith, Clements, Coats, Cuppy, Davis, Day, Goodenow, Green, Hamer, Hamrick, Hardin, Henry, Howell, Logan, Milliken, Morgan, Montgomery, Osborn, Read, Rockhill, Stewart, Taber, Waters, and Zenor—27.

Those who voted in the negative are,

Messrs. Berry of Monroe, Coffin, Edmonston, Ellis, English, Handy, Holloway, Marsh, Miller, Milligan, Orth, Robinson, Simpson, Stockwell, and Winchell—15.

So the amendment was adopted.

On motion by Mr. Robinson,

The resolution was laid upon the table.

The President laid before the Senate the report of the State Librarian; which,

On motion by Mr. Handy,

Was referred to the committee on the State Library.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has signed the following engrossed bill of the House:

No. 81. An act for the relief of the sureties of James A. Kindle, late treasurer and collector of Madison county, Indiana.

Which I am instructed to bring to the Senate for the signature of the President.

Whereupon the President signed said bill.

The Senate then resumed the consideration of the joint resolution on the subject of the improvement of harbors on the lakes and the navigation of rivers.

The question recurring upon the motion of Mr. Berry of Franklin, pending at the adjournment, to refer the resolution and pending amendments to the committee on federal relations;

The ayes and noes being demanded by Messrs. Orth and Berry of Franklin,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—23.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Winchell, and Zenor—22.

So the resolution and amendments were so referred.

Mr. Clements proposed that the following instructions be referred to the committee on federal relations, with said joint resolution, to-wit:

Amend by inserting in the proper place:

“That the rivers and lakes of the west, which have been, are now, or may hereafter be navigated by shipping or steamboats, are of national importance.”

Mr. Miller moved to lay said instructions upon the table;

And the ayes and noes being demanded by Messrs. Clements and Miller,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—23.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Winchell, and Zenor—22.

So the instructions were laid upon the table.

Leave being granted,

Mr. Rockhill, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the memorial of John S. Bayless and L. G. Jones, who were appointed by the North Indiana Conference of the Methodist Episcopal Church, at its last session, to memorialize this General Assembly, praying the passage of an to incorporate the trustees of the Fort Wayne Female College, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 116. A bill to incorporate the trustees of the Fort Wayne Female College;

Which was read a first time.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a second time, and referred to the committee on corporations.

Leave being granted,

Mr. Milliken presented the petition of sundry citizens of Centre township, Dearborn county, relative to the formation of road districts in said township; which,

On motion by Mr. Milliken,

Was referred to a select committee of Messrs. Milliken, Berry of Franklin, and Robinson.

On motion by Mr. Osborn,

The resolution relative to adjourning over until Monday next, was taken from the table.

Mr. Osborn moved to reconsider the vote by which the amendment fixing Saturday instead of Monday was adopted; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Monroe, Bowers, Coffin, Edmonston, Ellis, English, Handy, Hardin, Holloway, Marsh, Murphey, Orth, Osborn, Robinson, Simpson, Stockwell, Taber, and Waters—19.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Bradbury, Chenowith, Clements, Coats, Cuppy, Davis, Day, Goodenow, Green, Hamer, Hamrick, Henry, Howell, Logan, Miller, Milligan, Milliken, Morgan, Montgomery, Read, Rockhill, Stewart, Winchell, and Zenor—26.

So said vote was not reconsidered.

On motion by Mr. Berry of Monroe,

The resolution was amended by striking out the words “the House concurring therein.”

The question then recurring upon the adoption of the resolution, as amended,

The ayes and noes were demanded by Messrs. Murphey and Davis; and

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bradbury, Clements, Edmonston, Ellis, English, Holloway, Milliken, Montgomery, Osborn, Read, Taber, Waters, and Winchell—15.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Bowers, Chenowith, Coats, Coffin, Cuppy, Davis, Day, Goodenow, Green, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Simpson, Stewart, Stockwell, and Zenor—30.

So the resolution was not adopted.

Mr. Edmonston moved that the Senate do now adjourn;

Which motion did not prevail.

Mr. Ellis moved that the Senate do now adjourn.

The ayes and noes being demanded by Messrs. Edmonston and Ellis,

Those who voted in the affirmative are,

Messrs. Beard, Bradbury, Chenowith, Davis, Edmonston, Ellis, Milliken, Montgomery, Stewart, and Zenor—11.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Clements, Coats, Coffin, Cuppy, Day, English, Goodenow, Green, Hamer, Hamrick, Handy, Hardin, Henry, Holloway, Howell, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Osborn, Read, Robinson, Rockhill, Simpson, Stockwell, Taber, Waters, and Winchell—35.

So the Senate refused to adjourn.

BILLS ON SECOND READING.

No. 80. A bill (of the House) for the relief Parke county seminary;

Which was read a second time; and,

On motion by Mr. Edmonston,

Referred to the committee on education.

No. 83. A bill (of the Senate) to amend the laws now in force in this State subjecting real and personal property to execution;

Which was read a second time; and,

On motion by Mr. Handy,

Laid upon the table.

No. 84. A bill (of the House) to reduce the price of the Revised Statutes of 1843;

Which was read a second time, and ordered to a third reading.

No. 84. A bill (of the Senate) to divorce William D. Kelso from his wife, Nancy Kelso;

Which was read a second time and ordered to be engrossed for a third reading.

No. 85. A bill (of the Senate) to amend an act entitled "An act to incorporate the town of Jeffersonville," approved January 28, 1839, and the amendments thereto;

Which was read a second time and ordered to be engrossed for a third reading.

No. 89. A bill (of the Senate) relative to costs;

Which was read a second time; and,

On motion by Mr. Orth,

Referred to the committee on the judiciary.

No. 90. A bill (of the Senate) for the relief of certain persons therein named;

Which was read a second time and ordered to be engrossed for a third reading.

Mr. Stockwell moved to suspend the rules and take from the files,

No. 111. A bill (of the Senate) extending the time for holding the several terms of the probate court of Vanderburgh county;

Which motion prevailed.

On motion by Mr. Stockwell,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Winchell moved to take from the table a resolution calling on his Excellency, the Governor, for certain information in relation to an act of the last session of the General Assembly, entitled "An act to provide for the funded debt of the State of Indiana," &c.

The ayes and noes being demanded, on said motion, by Messrs. Winchell and Hardin,

Those who voted in the affirmative are,

Messrs. Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Logan, Milliken, Morgan, Montgomery, Orth, Osborn, Robinson, Simpson, Taber, and Winchell—21.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Marsh,

Miller, Milligan, Murphey, Read, Rockhill, Stewart, Stockwell, Waters, and Zenor—22.

So said resolution was not taken from the table.
Mr. Miller moved that the Senate do now adjourn.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Chenowith, Davis, Edmonston, Green, Howell, Miller, Milliken, Morgan, Read, Stewart, Taber, and Zenor—11.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Clements, Coats, Coffin, Cuppy, Day, Ellis, English, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Holloway, Logan, Marsh, Milligan, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Rockhill, Simpson, Stockwell, Waters, and Winchell—34.

So the Senate refused to adjourn.

Mr. Edmonston moved that there be a call of the Senate.

Which motion did not prevail.

No. 91. A bill (of the House) to fix the time of holding courts in the eighth judicial circuit;

Which was read a second time, and ordered to a third reading.

No. 91. A bill (of the Senate) in relation to brokers;

Which was read a second time; and,

On motion by Mr. Orth,

Referred to the committee on the judiciary.

No. 92. A bill (of the House) to amend the first section of an act entitled "An act prescribing the mode of selecting petit jurors in Sullivan county," approved January 6, 1846;

Which was read a second time.

Mr. Henry moved to amend the bill by adding:

SEC. — It shall be the duty of the Secretary to forward, by mail, a certified copy of this act to the clerk of the Sullivan circuit court as soon as said act shall be passed.

Which amendment was adopted.

And the bill, as amended, ordered to a third reading.

No. 92. A bill (of the Senate) to give married women power to make wills, and to repeal section nine, chapter thirty, Revised Statutes of 1843;

Which was read a second time; and,

On motion by Mr. Edmonston,

Referred to the committee on the judiciary.

No. 94. A bill (of the Senate) to dissolve the bonds of matrimony between Madison Lamb and Elizabeth Lamb;

Which was read a second time and ordered to be engrossed for a third reading.

No. 99. A bill (of the Senate) in relation to retailing intoxicating liquors in Wayne county;

Which was read a second time and ordered to be engrossed for a third reading.

No. 95. A bill (of the Senate) to legalize the election of trustees for the corporation of the town of Greensboro', Henry county;

Which was read a second time and ordered to be engrossed for a third reading.

No. 100. A bill (of the Senate) relative to the assignment of dower and to amend article three, chapter forty-five, Revised Statutes of 1843;

Which was read a second time; and,

On motion by Mr. Ellis,

Referred to the committee on the judiciary.

No. 98. A bill (of the Senate) to authorize Malon Waldron and Caleb Boots to maintain and keep up a mill dam in Grant county;

Which was read a second time and ordered to be engrossed for a third reading.

No. 101. A bill (of the Senate) to amend an act to incorporate the Lafayette Bridge company;

Which was read a second time and ordered to be engrossed for a third reading.

No. 102. A bill (of the Senate) relative to executors;

Which was read a second time; and,

On motion,

Referred to the committee on the judiciary.

No. 105. A bill for the relief of Elizabeth Lister;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 107. A bill (of the House) to change the names of Francis Anthony Fisher and Minerva Fisher, to the names of Francis Anthony Greenwood and Minerva Greenwood;

Which was read a second time and ordered to a third reading.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House of Representatives have passed the following engrossed bill of the Senate, with three engrossed amendments:

No. 24. A bill providing for the payment of damages assessed or to be assessed for private property taken for public use in the construction of the Wabash and Erie canal.

In which amendments the concurrence of the Senate is respectfully requested.

And the amendments of the House were severally concurred in by the Senate.

On motion,
The Senate adjourned.

FRIDAY MORNING, DECEMBER 25, 1846.

The Senate assembled.

The journal of the preceding day was read.

Mr. Berry of Monroe, presented the petition of Albert Parks, praying the passage of a law for the relief of certain heirs therein named.

On motion of Mr. Berry of Monroe,

The petition was referred to the committee on the judiciary.

Leave being granted,

Mr. Osborn introduced,

No. 117. A joint resolution relative to the harbor at Michigan city;

Which was read a first time.

On motion by Mr. Osborn,

The rules were suspended, and the bill read a second time.

Mr. Osborn moved to suspend the rules, and read the bill a third time now;

The ayes and noes being demanded by Messrs. Howell and Bowers,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Bradbury, Chenowith, Clements, Coffin, Cuppy, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Marsh, Morgan, Montgomery, Murphey, Osborn, Rockhill, Simpson, Stockwell, Taber, Winchell, and Zenor—25.

Those who voted in the negative are,

Messrs. Berry of Franklin, Bowers, Coats, Day, Edmonston, English, Green, Hardin, Henry, Howell, Logan, Miller, Milligan, Milliken, Read, Stewart, and Waters—18.

The rules requiring two-thirds of the Senators to vote in the affirmative, the rules were not suspended.

Mr. Bradbury asked and obtained leave of absence for Mr. Robinson, until Monday next.

Mr. Milligan presented the petition of sundry citizens of Adams county relative to a certain road; which,

On motion by Mr. Milligan,

Was referred to a select committee of Messrs. Milligan, Marsh, and Taber.

Mr. Osborn, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred the petition of Thomas P. Armstrong, Thomas Jernegan, William A. Place, W. C. Hannah, C. Tymerson, and one hundred and forty-five others, citizens of Laporte county, praying for the passage of a law allowing a majority of the voters of any township in said county to prohibit the issuing of any license to retail intoxicating liquor, have had the same under consideration, and have instructed me to report the following bill and recommend its passage:

No. 118. A bill in relation to retailing intoxicating liquors in Laporte county;

Which was read a first time and ordered to a second reading.

Mr. Miller, chairman of a select committee, reported to the Senate,

No. 119. A bill for the relief of Louisa Sherwood;

Which was read a first time, and ordered to a second reading.

Mr. Berry of Monroe, offered the following resolution:

Resolved, That when the Senate adjourns, it will adjourn until to-morrow morning, 9 o'clock.

Which was adopted.

Mr. Milliken offered the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of giving the supervisors of roads power to collect the road tax assessed by the boards doing county business.

Which was adopted.

Mr. Hardin offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the incongruities of sections 101, 102, and 105 of the school

law, with a view of rendering them consistent; with leave to report by bill or otherwise.

Which was adopted.

On motion,

The Senate adjourned.

SATURDAY MORNING, DECEMBER 26, 1846.

The Senate assembled.

The journal of the preceding day was read.

Mr. Davis presented the petition of J. B. Cahoon, in relation to a certain claim against the State; which,

On motion by Mr. Davis,

Was referred to the committee on claims.

Mr. Holloway presented the petition of sundry citizens of Wayne county, on the subject of granting license to pedlars; which,

On motion by Mr. Holloway,

Was referred to the committee on the judiciary.

Mr. Milligan presented the petition of sundry citizens of Jay county, on the subject of a certain State road; which,

On motion by Mr. Milligan,

Was referred to the committee on roads.

Mr. Holloway presented the petition of William Kerlin, for a divorce;

Which was referred to a select committee of Messrs. Holloway, Bradbury, and Simpson.

Leave being granted,

Mr. Marsh, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of sundry German citizens, asking a part of the common school fund set apart for the support of German schools, have had that subject under consideration, and directed me to report it inexpedient to legislate upon that subject, as a majority of citizens in a school district can now determine under the existing laws whether English, German, or French, shall be taught in the district.

Which report was concurred in.

Mr. Davis introduced,

No. 120. A joint resolution in relation to the navigation of the Mississippi and Ohio rivers;

Which was read a first time, and ordered to a second reading.

Mr. Howell introduced,

No. 121. A bill amendatory of an act in relation to the auditor of Warrick county;

Which was read a first time.

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a second and third times and passed.

Leave being granted,

Mr. Ellis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to which was referred the petition of sundry citizens of Dearborn county, relative to the repealing an act creating the county of Ohio, with instructions to inquire into the constitutionality of that act, with leave to send for persons and papers, &c., have instructed me report said petition back to the Senate, and ask leave to be discharged from further consideration of the subject.

Which report was concurred in.

Mr. Morgan asked and obtained leave of absence for Mr. Hamrick, until Monday next.

Leave being granted,

Mr. Clements, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate No. 96, in relation to testimony in certain cases, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

Mr. Green moved to amend the bill, by striking out all after the word "that," in the second line, to the word "if," in the fifth line:

The ayes and noes being demanded by Messrs. Green and Miliken,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Bowers, Coffin, Cuppy, Davis, Day, Edmonston, Ellis, English, Goodenow, Green, Hamer, Howell, Marsh, Milligan, Morgan, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—23.

Those who voted in the negative are,

Messrs. Bradbury, Chenowith, Clements, Coats, Henry, Holloway, Logan, Miller, Milliken, Montgomery, Murphey, Orth, Osborn, Winchell, and Zenor—15.

So the amendment was adopted.

On motion by Mr. Bowers,

The bill was then laid upon the table.

Mr. Taber introduced,

No. 122. A bill to amend an act entitled "an act to incorporate the Michigan road company," approved January 13, 1845, and an act entitled "an act to incorporate the Michigan road company, approved January 13, 1845," approved January 19, 1846;

Which was read a first time, and ordered to a second reading.

Mr. Davis introduced,

No. 123. A bill to amend an act entitled "An act concerning crimes and punishments and proceedings in criminal cases;"

Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

Leave being granted,

Mr. Milligan, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred a petition of the Senate, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 124. A bill to amend an act entitled "An act to establish a turnpike road in the county of Adams," approved January 13th, 1845;

Which was read a first time, and ordered to a second reading.

Mr. Coffin introduced,

No. 125. A bill for the relief of Lucius H. Scott;

Which was read a first time, and ordered to a second reading.

Mr. Coats introduced,

No. 126. A bill to authorize the Superintendent of the Wabash

and Erie canal to pay such equitable claims as counties or individuals may have for surveying and locating the canal from Tippecanoe to Terre Haute;

Which was read a first time and ordered to a second reading.

Leave being granted,

Mr. Ellis offered the following resolution:

Resolved, That the committee on the judiciary be requested to inquire into the expediency of the reduction of the fees now allowed by law to clerks of circuit and probate courts; with leave to report by bill or otherwise.

Which was adopted.

The Senate then went into the consideration of the orders of the day.

BILLS ON THIRD READING.

No. 91. A bill (of the House) to fix the time of holding courts in the eighth judicial circuit;

Which was read a third time and passed.

No. 65. A bill (of the House) to amend article one, of chapter forty-two, of the Revised Statutes, on the subject of the liens of mechanics and others on buildings;

Which was read a third time and passed.

No. 70. A bill (of the Senate) to provide for the punishment of seduction;

Which was read a third time.

On the passage of the bill,

The ayes and noes being demanded by Messrs. Murphey and Davis,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Coats, Davis, Ellis, Goodenow, Green, Henry, Holloway, Howell, Logan, Marsh, Milliken, Montgomery, Morgan, Murphey, Orth, Osborn, Simpson, Stewart, Stockwell, Taber, and Winchell—25.

Those who voted in the negative are,

Messrs. Berry of Monroe, Coffin, Cuppy, Day, Edmonston, English, Hamer, Miller, Milligan, Read, Waters, and Zenor—13.

So the bill was passed.

No. 53. A bill (of the House) to amend section 128, chapter 35, of the Revised Statutes of 1843;

Which was read a third time and passed.

No. 51. A bill (of the House) repealing certain acts in relation to the county of Posey;

Which was read a third time and passed.

No. 4. A bill (of the House) providing for the correction of errors in patents for lands sold by the State;

Which was read a third time and passed.

No. 82. A bill (of the Senate) to prevent county treasurers and auditors from purchasing certain real estate;

Which was read a third time and passed.

On motion by Mr. Orth,

The title of said bill was amended so as to read:

"An act to prevent county treasurers and other officers from purchasing certain real estate."

No. 84. A bill (of the House) to reduce the price of the Revised Statutes of 1843;

Which was read a third time and passed.

No. 105. A bill (of the Senate) for the relief of Elizabeth Lister;

Which was read a third time and passed.

No. 84. A bill (of the Senate) to divorce William D. Kelso from his wife, Nancy Kelso;

Which was read a third time and passed.

No. 85. A bill (of the Senate) to amend an act entitled "An act to incorporate the town of Jeffersonville," approved January 28th, 1839, and the amendments thereto;

Which was read a third time and passed.

No. 73. A bill (of the Senate) to divorce Celia Lowder from her husband, Riley Lowder, of Daviess county.

Which was read a third time.

The ayes and noes being demanded by Messrs. Orth and Ellis,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Clements, Coats, Coffin, Cuppy, Davis, Day, Edmonston, English, Green, Henry, Holloway, Howell, Miller, Milligan, Milliken, Montgomery, Osborn, Read, Rockhill, Simpson, Stockwell, Taber, Waters, Winchell, and Zenor—28.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Chenowith, Ellis, Goodenow, Hamer, Logan, Marsh, Morgan, Murphey, Orth, and Stewart—13.

So the bill was passed.

No. 77. A bill (of the House) to change the name of James Morris Smith to that of James Morris Vestal;

Which was read a third time and passed.

No. 107. A bill (of the House) to change the names of Francis Anthony Fisher and Minerva Ridge, to the names of Francis Anthony Greenwood and Minerva Greenwood;

Which was read a third time and passed.

No. 79. A bill (of the Senate) to divorce John F. Gardner from his wife, Mary L. V. Gardner;

Which was read a third time.

The ayes and noes being demanded by Messrs. Orth and Stewart,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Clements, Coats, Coffin, Cuppy, Davis, Day, Edmonston, English, Henry, Holloway, Howell, Miller, Milligan, Milliken, Montgomery, Osborn, Read, Rockhill, Simpson, Stockwell, Taber, Waters, Winchell, and Zenor—27.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Chenowith, Ellis, Goodenow, Hamer, Logan, Marsh, Morgan, Murphey, Orth, and Stewart—13.

So the bill was passed.

No. 74. A bill (of the Senate) for the relief of Martha Warner.

Which was read a third time.

The ayes and noes being demanded, on the passage of the bill, by Messrs. Orth and Stewart,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Clements, Coats, Coffin, Cuppy, Davis, Day, Edmonston, English, Green, Henry, Holloway, Howell, Marsh, Miller, Milligan, Milliken, Osborn, Read, Rockhill, Simpson, Stockwell, Taber, Waters, Winchell, and Zenor—28.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Chenowith, Ellis, Goodenow, Hamer, Logan, Morgan, Murphey, Orth, and Stewart—12.

So the bill was passed.

No. 77. A bill (of the Senate) for the relief of William Rodebaugh, of Whitley county;

Which was read a third time.

The ayes and noes being demanded by Messrs. Orth and Stewart,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Clements,

Coats, Coffin, Cuppy, Davis, Day, Edmonston, English, Green, Henry, Holloway, Howell, Marsh, Miller, Milligan, Milliken, Montgomery, Osborn, Read, Rockhill, Simpson, Stockwell, Taber, Waters, Winchell, and Zenor—29.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Chenowith, Ellis, Goodenow, Hamer, Logan, Morgan, Murphey, Orth, and Stewart—12.

So the bill was passed.

No. 92. A bill (of the House) to amend the first section of an act entitled "An act prescribing the mode of selecting petit jurors in Sullivan county," approved January 6, 1846;

Which was read a third time and passed.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have adopted the following resolution:

Resolved, That this House will, the Senate concurring, proceed on Tuesday next, at 10 o'clock, A. M., to elect a State Bank Director, to fill the vacancy created by the resignation of James P. Drake.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Orth,
The resolution was reciprocated by the Senate.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has signed the following enrolled bill of the Senate:

No. 22. An act to amend an act entitled "An act for the relief of purchasers of canal lands," approved January 19, 1846.

No. 94. A bill (of the Senate) to dissolve the bonds of matrimony between Madison Lamb and Elizabeth Lamb;

Which was read a third time and passed.

No. 98. A bill (of the Senate) to authorize Malon Waldron and Caleb Boots to maintain and keep up a mill dam in Grant county;

Which was read a third time and passed.

No. 95. A bill (of the Senate) to legalize the election of trustees for the corporation of the town of Greensboro', Henry county;

Which was read a third time and passed.

No. 99. A bill (of the Senate) in relation to retailing intoxicating liquors in Wayne county;

Which was read a third time and passed.

No. 117. A joint resolution (of the Senate) in relation to the harbor at Michigan City.

Mr. Berry of Franklin moved to reconsider the vote by which said joint resolution was ordered to be engrossed for a third reading.

Pending which,

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Leave being granted,

Mr. Green presented the petition of sundry citizens and voters of Switzerland county, praying the re-enactment of a certain law therein named; which,

On motion by Mr. Green,

Was referred to a select committee of Messrs. Green, Milliken, and Goodenow.

On motion by Mr. Winchell,

The rules were suspended, and the following message from the House of Representatives taken up:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House of Representatives have passed the following engrossed bill thereof:

No. 134. An act for the relief of certain persons therein named.

In which the concurrence of the Senate is respectfully requested.

I am also directed to inform the Senate that the House of Representatives have concurred in the engrossed amendments of the Senate to engrossed bill of the House,

No. 81. An act for the further relief of the sureties of James A. Kindle, late treasurer and collector of Madison county, Indiana.

Said bill, 134, was read a first time.

On motion by Mr. Winchell,

The rules were suspended, and the bill read a second and third times and passed.

The President laid before the Senate the communication of his Excellency the Governor, transmitting certain documents concerning, and amendments to an act of the last session of the General Assembly entitled "An act to provide for the funded debt of the State of Indiana and for the completion of the Wabash and Erie canal to Evansville;" which,

On motion by Mr. Stockwell,

Were laid upon the table, and 500 copies of the documents and 200 copies of the amendments ordered to be printed for the use of the Senate.

The Senate resumed the consideration of the joint resolution in relation to the harbor at Michigan City.

The question recurring upon the motion of Mr. Berry of Franklin, pending at the last adjournment, to reconsider the vote ordering the joint resolution to be engrossed;

The ayes and noes were demanded by Messrs. Osborn and Berry of Franklin,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Henry, Howell, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—21.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Simpson, Winchell, and Zenor—20.

So said vote was reconsidered.

Mr. Day offered the following amendment to the joint resolution:

Amend by striking out all after the word "Indiana," in the second line, and insert:

"That our Senators in Congress be instructed, and our Representatives requested to use their influence to obtain appropriations, to be economically expended upon the improvement of the harbors of Michigan City and St. Joseph, and other harbors upon lake Michigan; for the completion of the Cumberland road, and for the removal of obstructions to the navigation of the Ohio and Mississippi rivers.

Be it further resolved, That his Excellency, the Governor, is hereby requested to forward copies of this joint resolution to each of our Senators and Representatives in Congress.

Mr. Osborn proposed to amend the amendment as follows:

And be it further resolved, That this General Assembly protests

against the doctrine, which allows to Congress the power of making appropriations only for the improvement of ports at which foreign importations arrive in bulk, paying the duties charged by law, and from which exports are made to foreign countries.

Mr. Berry of Franklin moved to lay the amendment of Mr. Osborn upon the table;

The ayes and noes being demanded by Messrs. Osborn and Berry of Franklin,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Henry, Howell, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—21.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Simpson, Winchell, and Zenor—20.

So the amendment was laid upon the table.

Mr. Osborn then proposed to amend the amendment of Mr. Day as follows:

Be it further resolved, That that this General Assembly protests against the doctrine, that forbids to Congress the power to make appropriations for the improvement of harbors, which have not been declared ports of entry by Congress.

Pending which,

Mr. Berry of Franklin moved that the Senate do now adjourn;

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Henry, Howell, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—21.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Simpson, Winchell, and Zenor—20.

And the Senate adjourned.

MONDAY MORNING, DECEMBER 28, 1846.

The Senate assembled.

The journal of the preceding day was read.

Mr. Milliken presented the remonstrance of sundry citizens of Dearborn county, against increasing the pay of the associate judges of said county; which,

On motion by Mr. Milliken,

Was referred to the select committee having a petition on the same subject under consideration.

Mr. Verbrike presented the petition of sundry citizens of Hendricks county, on the subject of a road; which,

On motion by Mr. Verbrike,

Was referred to a select committee of Messrs. Verbrike, Hamrick, and Beard.

Mr. Osborn, chairman of the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to which was referred the petition of the "Wabash Manual Labor College and Teachers' Seminary," have had that subject under consideration, and have instructed me to report the following bill, and recommend its passage; and said committee ask to be discharged from the further consideration thereof.

No. 127. A bill for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary to the sinking fund of the State, and for other purposes;

Which was read a first time, and ordered to a second reading.

Mr. Berry of Monroe, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred the petition of William B. Pine, Gilbert White, and others, praying for the location of a State road in Daviess, Martin, and Dubois counties, have directed me to report a bill, according to the prayer of the petitioners, and recommend its passage.

No. 128. A bill to locate a State road in Daviess, Martin, and Dubois counties;

Which was read a first time, and ordered to a second reading.

Mr. Berry of Franklin, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 116, entitled "A bill to incorporate the trustees of the Fort Wayne Female College," have had that subject under consideration, and directed me to report it back to the Senate, and recommend its passage, after the adoption of the following amendment: Add,

SEC. —. And the said trustees and their successors are hereby authorized and empowered to adopt, ratify, and confirm all such acts and contracts, not inconsistent with the provisions of this charter, as have been done or made by the said trustees named herein, or a majority of them, prior to the passage of this act, in the name and character of trustees of the Fort Wayne Female College; and when so adopted, ratified, and confirmed, the said acts and contracts of the said persons above named, or a majority of them, within said name and character of trustees as aforesaid, shall become and be as binding to all intents and purposes upon the said trustees hereby created, and all other parties thereto, as if the same had been done, made, or entered into by said trustees, in their name and character of trustees, after the passage of this act.

Which report was concurred in, and the amendment adopted.

On motion by Mr. Rockhill,

The rules were suspended, and said bill read a third time, and passed.

Mr. Berry of Franklin, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred Senate bill No. 72, entitled "A bill to incorporate the Upper Wabash canal company," have had that subject under consideration, and directed me to report it back, with one amendment, which, when concurred in, they recommend its passage: Add,

SEC. —. The directors in said company shall be individually liable for the payment of all debts due to laborers, that shall not be paid by the company in its corporate capacity. And the Legislature reserves the right to amend or repeal this charter, whenever its franchises shall prove oppressive to the inhabitants where its franchises are exercised; but if so repealed, the proceeds that shall be left after the payment of its debts, shall be distributed among the stockholders, in proportion to the amount paid in by each.

Mr. Milligan moved to amend said amendment, by striking out all that part which refers to the individual liability of the directors;

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Milligan, Morgan, Montgomery, Murphey, Orth, Osborn, Rockhill, Stockwell, Taber, Verbrike, Winchell, and Zenor—23.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milliken, Parks, Read, Simpson, Stewart, and Waters—22.

So the amendment was adopted.

The question then recurring upon the adoption of the amendment of the committee as amended,

It was decided in the negative.

Mr. Berry of Franklin then moved to amend the bill as follows:

"The stockholders shall be individually liable for the payment of all debts to laborers."

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Coats, Coffin, Cuppy, Davis, Day, Edmonston, English, Goodenow, Green, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stewart, Taber, and Waters—28.

Those who voted in the negative are,

Messrs. Beard, Bowers, Bradbury, Chenowith, Clements, Ellis, Hamer, Holloway, Milligan, Morgan, Murphey, Orth, Rockhill, Verbrike, Winchell, and Zenor—16.

So the amendment was adopted.

On motion by Mr. Berry of Franklin,

The rules were suspended, and the bill read a third time and passed.

On motion by Mr. Ellis,

The title of the bill was amended so as to read:

"An act to incorporate the Upper Wabash canal company."

Mr. Clements, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred the petition of David Raleigh, praying to be divorced from his wife Jane, have had the same under consideration, and have instructed me to report the following bill, and recommend its passage:

No. 129. A bill to divorce David Raleigh from his wife, Jane;
Which was read a first time, and ordered to a second reading.

Mr. Holloway, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of William Kerlin, asking a divorce from his wife, Sarah Kerlin, have had the same under consideration, and a majority of said committee have directed me to report a bill, and recommend its passage:

No. 130. A bill to dissolve the bonds of matrimony existing between William Kerlin and Sarah Kerlin, of Wayne county;
Which was read a first time, and ordered to a second reading.

Mr. Allison, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred bill of the Senate No. 1, have, according to order, had the same under consideration, and have directed me to report the same back with the following amendment, as an additional section:

SEC. —. The several boards doing county business in this State, when the delinquent list is published in a newspaper, as provided in this act, shall give the printing of the same to the lowest bidder therefor: *Provided*, There are two or more newspapers printed and published in the county where the delinquent lands lie; and it is hereby made the duty of said boards to give ten days' public notice of the time and place when and where bids will be received for the printing of such delinquent lists.

Which report was concurred in, and the amendment adopted.
The bill as amended was then passed.

Mr. Miller offered the following resolution:

Resolved, That the judiciary committee is hereby requested to

inquire into the expediency of so altering the law, that the several county treasurers in this State have a longer time given them to make their returns to the Treasurer of State; and report by bill or otherwise.

Which was not adopted.

Mr. Stockwell offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire whether any changes in the present probate system are desirable; and if so, to report upon the relative advantages and disadvantages of transferring the same to the circuit court, or of organizing circuit probate courts.

Which was not adopted.

Mr. Clements offered the following resolution:

Resolved, That the judiciary committee inquire into the expediency of so amending the law, that widows (when their husbands have not left over one hundred and fifty dollars worth of personal property) may have the same set apart to them without taking out letters of administration; and should choses in action constitute a part of the one hundred and fifty dollars so left, that they may be allowed to recover them, without administering; with leave to report by bill or otherwise.

Which was adopted.

Mr. Edmonston introduced,

No. 131. A joint resolution expressive of the approbation of the General Assembly of the State of Indiana in the Mexican war;

Which was read a first time, and ordered to a second reading.

Mr. Ellis introduced,

No. 132. A joint resolution upon the subject of improving the Wabash river;

Which was read a first time, and ordered to a second reading.

Mr. Berry of Franklin introduced,

No. 133. A joint resolution to the Congress of the United States;

Which was read a first time, and ordered to a second reading.

Mr. Holloway introduced,

No. 134. A joint resolution relative to the Cumberland road;

Which was read a first time, and ordered to a second reading.

Leave being granted,

Mr. Allison offered the following resolution:

Resolved, That the committee on education be instructed to report a bill providing for the appointment of a superintendent of common schools for the State, defining his duties, &c.

On the adoption of the resolution,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Cuppy, Day, Ellis, English, Green, Henry, Holloway, Marsh, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Simpson, Stewart, Stockwell, Verbrake, and Winchell—29.

Those who voted in the negative are,

Messrs. Berry of Franklin, Davis, Edmonston, Goodenow, Hamer, Hardin, Howell, Jackson, Logan, Miller, Milligan, Read, Rockhill, Taber, Waters, and Zenor—16.

So the resolution was adopted.

Leave being granted,

Mr. Winchell, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to which was referred the petition of Samuel Bussard and others, in regard to mill-dams on Eel river, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 135. A bill requiring owners or occupiers of mills on Eel river to make and construct a slope in their respective mill-dams;

Which was read a first time, and ordered to a second reading.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the following bill taken from the messages from the House of Representatives, to-wit:

No. 153. A bill to provide for the completion of the State Prison;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time.

Mr. Read moved to amend the bill as follows: Add,

SEC. —. That it shall be the duty of the Warden of the State Prison to take charge of the old prison, as soon as the same shall become vacated, and rent or lease the same on the best terms he can obtain, not exceeding five years.

Which amendment was adopted.

Mr. Berry of Franklin moved to amend the bill, by striking out all that relates to the erection of houses for the keeper and warden; Which amendment was not adopted.

Mr. Berry of Franklin moved further to amend the bill, by striking

out all that part of the bill that makes Patterson the contractor, and inserting "to the lowest bidder."

Mr. Hamer moved to lay said amendment upon the table;

The ayes and noes being demanded by Messrs. Berry of Franklin and Bowers,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Davis, Ellis, Goodenow, Green, Hamer, Holloway, Howell, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Read, Robinson, Simpson, Stockwell, Verbriek, Waters, Winchell, and Zenor—31.

Those who voted in the negative are,

Messrs. Berry of Franklin, Cuppy, Day, Edmonston, English, Handy, Hardin, Henry, Jackson, Logan, Marsh, Miller, Milligan, Rockhill, and Taber—15.

So the amendment was laid upon the table.

On motion by Mr. Orth,

The rules were suspended, and the bill read a third time.

On the passage of the bill,

The ayes and noes being demanded by Messrs. Berry of Franklin and Miller,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, Ellis, English, Goodenow, Green, Hamer, Hardin, Holloway, Howell, Milliken, Morgan, Murphey, Orth, Osborn, Parks, Read, Robinson, Simpson, Stockwell, Verbriek, Waters, Winchell, and Zenor—33.

Those who voted in the negative are,

Messrs. Berry of Franklin, Cuppy, Day, Handy, Henry, Jackson, Logan, Marsh, Miller, Milligan, Montgomery, Rockhill, and Taber—13.

So the bill was passed.

On motion by Mr. Read,

The title of said bill was amended, by adding thereto the words, "and for other purposes."

Leave being granted,

Mr. Montgomery offered the following resolution:

Resolved, That the committee on roads be instructed to ascertain what legislation (if any) is necessary to insure a more thorough method of working out the road tax in the several counties in this State, excepting those counties which have special road laws.

Which was adopted.

Leave being granted,

Mr. Taber introduced,

No. 136. A bill to repeal the Morris fraud law;

Which was read a first time and ordered to a second reading.

The Senate then went into the consideration of the

ORDERS OF THE DAY.

The question recurring upon the amendment of Mr. Osborn, declaring that this General Assembly protests against the doctrine, that forbids to Congress the power to make appropriations for improving harbors, which have not been declared ports of entry, offered as an amendment to the amendment of Mr. Day, to joint resolution No. 117, and pending at the last adjournment.

Mr. Edmonston moved to refer said joint resolution and pending amendments to the committee on federal relations; and,

The ayes and noes being demanded thereon by Messrs. Orth and Edmonston,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—22.

And said joint resolution and amendments were accordingly referred.

Mr. Osborn moved to instruct said committee as follows:

Not to strike out the first resolution as originally introduced.

Mr. Edmonston moved to lay the instructions upon the table;

The ayes and noes being demanded thereon by Messrs. Osborn and Edmonston,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day,

Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—22.

So the instructions were laid upon the table.

Mr. Davis moved to instruct said committee to report the following as one of the resolutions:

Be it further resolved, That in the opinion of this General Assembly, Congress possesses the power under the constitution of the United States, to make appropriations for the improvement of the navigation of the Mississippi and Ohio rivers.

Mr. Edmonston called for a division of the question;

The question then recurring as to whether the Senate would instruct the committee; and,

The ayes and noes being demanded by Messrs. Berry of Monroe and Davis,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—22.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

So the Senate decided not to instruct said committee.

BILLS ON THIRD READING.

No. 87. A bill (of the Senate) to repeal an act entitled "An act for the relief of the late Captain Richard McCarty;"

Which was read a third time and passed.

No. 90. A bill (of the Senate),

Which was read a third time and passed.

On motion by Mr. Edmonston,

The title of the bill was amended in accordance with its provisions.

No. 101. A bill (of the Senate) to amend an act to incorporate the Lafayette Bridge company;

Which was read a third time and passed.

BILLS ON SECOND READING.

No. 120. A joint resolution (of the Senate) in relation to the navigation of the Mississippi and Ohio rivers;

Which was read a second time.

Mr. Edmonston moved to refer the joint resolution to the committee on federal relations.

Mr. Osborn proposed the following instructions to said committee:

Insert the following:

Be it further resolved, That it is right and proper for this General Assembly to express its opinion upon any question, the determination of which may affect the citizens of this State; and this General Assembly hereby protests and remonstrates against the doctrine, which restricts the constitutional power of Congress to make appropriations for the improvement of such harbors only as have been declared ports of entry by Congress; and this General Assembly hereby insists that Congress possesses the power, under the constitution of the United States, to make appropriations for the improvement of harbors on the lakes, and the removal of obstructions to the navigation of the rivers of the United States, where the same will tend to facilitate or regulate commerce with foreign nations, or among the several States: And this General Assembly hereby further insists, that it is the duty of Congress to exercise the power so vested, for the benefit and protection of the commercial and agricultural interest of this State, and of other States, at its present session, in all suitable ways.

Mr. Berry of Franklin moved to lay said instructions upon the table;

The ayes and noes being demanded by Messrs. Berry of Franklin and Osborn,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, and Waters—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbrike, Winchell, and Zenor—21.

So the instructions were laid upon the table.

Mr. Osborn then proposed to instruct said committee as follows:

Insert the following:

And be it further resolved, That in the opinion of this General Assembly, the improvement of the harbor at Michigan City is strictly a national work, and that therefore Congress possesses the constitutional power to make appropriations for that purpose.

Mr. Edmonston called for a division of the question.

The question then recurring upon referring said joint resolution to the committee on federal relations;

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, and Waters—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbrike, Winchell, and Zenor—21.

So the joint resolution was so referred.

The question recurring upon the instructions proposed by Mr. Osborn,

Mr. Edmonston moved to lay the same upon the table; and,

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, and Waters—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbrike, Winchell, and Zenor—20.

So said instructions were laid upon the table.

Mr. Davis then moved to instruct said committee not to strike out the first resolution.

Mr. Berry of Franklin proposed to amend the instructions as follows:

[See proceedings of next day striking out Mr. Berry's instructions.]

Pending which,

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met;

And resumed the consideration of the amendment of Mr. Berry of Franklin to the instructions proposed by Mr. Davis, to the committee on federal relations, pending at the adjournment.

Mr. Orth moved to lay the amendment of Mr. Berry of Franklin on the table.

Mr. Berry of Franklin moved to include the instructions of Mr. Davis in the motion.

Mr. Orth called for a division of the questions;

The question then recurring on laying the instructions of Mr. Davis upon the table;

The ayes and noes being demanded by Messrs. Davis and Logan,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Holloway, Morgan, Murphey, Orth, Osborn, Robinson, Simpson, Verbrike, Winchell, and Zenor—21.

So the instructions were laid upon the table.

Mr. Berry of Franklin then withdrew his amendments.

No. 109. A bill (of the Senate) to incorporate a public seminary in the town of Aurora, in the county of Dearborn;

Which was read a second time and ordered to be engrossed for a third reading.

No. 106. A bill (of the Senate) to vacate offices when the officers become insane;

Which was read a second time and ordered to be engrossed for a third reading.

No. 107. A bill (of the Senate) to amend the charter of the Milford and Columbus Railroad company;

Which was read a second time; and,

On motion by Mr. Robinson,

Referred to a select committee of Messrs. Robinson, Bowers, and Handy.

No. 108. A bill (of the Senate) to dissolve the bonds of matrimony existing between James D. Roberts and Sarah Jane Roberts;

Which was read a second time and ordered to be engrossed for a third reading.

No. 110. A bill (of the Senate) to divorce Martha J. Thompson from Andrew B. Thompson, her husband;

Which was read a second time and ordered to be engrossed for a third reading.

No. 113. A bill (of the Senate) concerning elections in Decatur county;

Which was read a second time.

Mr. Ellis moved that said bill be indefinitely postponed;

The ayes and noes being demanded thereon by Messrs. Clements and Hardin,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Bradbury, Coffin, Davis, Day, Edmonston, Ellis, Goodenow, Handy, Henry, Marsh, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Read, Rockhill, Stewart, Stockwell, Taber, Verbriek, and Waters—26.

Those who voted in the negative are,

Messrs. Allison, Bowers, Clements, English, Green, Hamer, Hardin, Howell, Jackson, Logan, Miller, Milligan, Parks, Robinson, Simpson, Winchell, and Zenor—17.

So the bill was indefinitely postponed.

A message from his Excellency the Governor:

MR. PRESIDENT:

I am directed to inform the Senate, that his Excellency the Governor did on this day approve and sign the following bill, to-wit:

No. 22. An act to amend an act entitled "An act for the relief of purchasers of canal lands," approved January 19, 1846.

Which originated in the Senate.

December 28th, 1846.

A message from the House of Representatives:

MR. PRESIDENT:

I have been directed by the House of Representatives to inform the Senate, that the House has concurred in the amendments of the Senate to bill of the House,

No. 153. A bill to provide for the completion of the State Prison, and for other purposes.

On motion,

The Senate adjourned.

TUESDAY MORNING, DECEMBER 29, 1846.

The Senate assembled.

The Secretary commenced the reading of the journal of the proceedings of yesterday;

Before the same was finished,

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have adopted the following resolution:

Resolved, That the Clerk of the House inform the Senate, that this House is now ready to proceed with closed doors, to the election of a State Bank Director, to fill the vacancy occasioned by the resignation of Col. James P. Drake.

On motion by Mr. Edmonston,

The resolution of the House was reciprocated by the Senate.

The Senate then according to order, proceeded with closed doors, to the election of a Director of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of James P. Drake; Messrs. Edmonston and Bradbury acting as tellers;

And upon counting the first balloting, it appeared that,

George W. Lane received	- - - - -	8 votes.
Enoch James received	- - - - -	9 votes.
James Switzer received	- - - - -	17 votes.
Scattering,	- - - - -	15 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a second balloting;

And upon counting the same, it appeared that,

Enoch James received	- - - - -	10 votes.
James Switzer received	- - - - -	17 votes.
Wm. B. Stevens received	- - - - -	7 votes.
Scattering,	- - - - -	15 votes.

No gentlemen having received a majority of all the votes given, the Senate proceeded to a third balloting;

And upon counting the same, it appeared that,

Mr. Switzer received	- - - - -	20 votes.
Mr. James received	- - - - -	19 votes.
Scattering,	- - - - -	10 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a fourth balloting;

And upon counting the same, it appeared that,

Mr. James received	- - - - -	21 votes.
Mr. Switzer received	- - - - -	18 votes.
Scattering,	- - - - -	10 votes.

No gentlemen having received a majority of all the votes given, the Senate proceeded to a fifth balloting;

And upon counting the same, it appeared that,

Mr. James received	- - - - -	22 votes.
Mr. Switzer received	- - - - -	19 votes.
Scattering,	- - - - -	8 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a sixth balloting;

And upon counting the same, it appeared that,

Mr. James received	- - - - -	22 votes.
Mr. Switzer received	- - - - -	18 votes.
Scattering,	- - - - -	9 votes.

No gentlemen having received a majority of all the votes given, the Senate proceeded to a seventh balloting;

And upon counting the same, it appeared that,

Mr. Switzer received	- - - - -	19 votes.
Mr. James received	- - - - -	19 votes.
Scattering,	- - - - -	11 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to an eighth balloting;

And upon counting the same, it appeared that,

Mr. Switzer received	- - - - -	23 votes.
Mr. Dobson received	- - - - -	11 votes.
Scattering,	- - - - -	15 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a ninth balloting;

And upon counting the same, it appeared that,

Mr. Switzer received	- - - - -	23 votes.
Mr. Dobson received	- - - - -	9 votes.
Scattering,	- - - - -	17 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to a tenth balloting;

And upon counting the same, it appeared that,

Mr. Switzer received	- - - - -	22 votes.
Mr. Dobson received	- - - - -	9 votes.
Mr. Martin received	- - - - -	10 votes.
Scattering,	- - - - -	8 votes.

No gentleman having received a majority of all the votes given, the Senate proceeded to an eleventh balloting;

And upon counting the same, it appeared that,

Mr. Switzer received	- - - - -	25 votes.
Mr. Martin received	- - - - -	21 votes.
Scattering,	- - - - -	3 votes.

James Switzer having received a majority of all the votes given

the President pronounced him to be duly elected a Director of the State Bank, to serve as such until the expiration of the term for which James P. Drake was elected.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to deliver to the Senate the accompanying sealed message, in relation to the election of a Director on the part of the State of the State Bank of Indiana.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that, at an election held by the House with closed doors, in pursuance of a resolution of the two Houses, for the purpose of electing a Director of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of James P. Drake, James Switzer received on the sixth ballot, a majority of all the votes given, and was thereupon declared duly elected on the part of the House of Representatives, a Director of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of James P. Drake.

M. S. WARD,

Clerk of the House of Representatives.

On motion,
The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

Senate met.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have adopted the following resolution:

Resolved, That the communication of his Excellency the Governor, transmitting certain documents to both Houses, accompanied by proposed amendments to the act entitled "An act to provide for the funded debt of the State and the completion of the Wabash and

Erie canal," be referred to a select committee of one member from each congressional district, to act jointly with a similar committee of the Senate; and that the Senate be informed of the adoption of this resolution, with a respectful request that it be reciprocated by that body; and that said committee on the part of this House have leave to report by bill or otherwise.

Messrs. Crookshank, Thompson, Dunham, Yaryan, Noel, Carr of Lawrence, Secrest, Suit, Stanfield, and Harlan, have been appointed said committee on the part of the House.

Mr. Stockwell moved to reciprocate said resolution.

Which motion prevailed.

The Secretary resumed the reading of the journal of the proceedings of yesterday.

Mr. Handy moved to correct the journal by striking out, where it occurs in the reading of the same, the amendment of Mr. Berry of Franklin to the instructions of Mr. Davis to the committee on federal relations, relative to joint resolution No. 120.

Mr. Montgomery moved to modify said motion of Mr. Handy as follows:

Insert in the proper place in the journal, the following:

"When Mr. Berry of Franklin withdrew the instructions proposed by him."

Mr. Handy moved to lay Mr. Montgomery's amendment upon the table.

Mr. Orth moved to include in said motion to lay on the table the motion of Mr. Handy to strike out.

And the question being upon laying said motion of Mr. Montgomery, including that of Mr. Handy, upon the table; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

So said motion as modified was not laid upon the table.

The question then recurring on the adoption of the amendment of Mr. Montgomery; and,

The ayes and noes being demanded by Messrs. Montgomery and Handy,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbrike, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

So the amendment did not prevail.

The question then recurring upon the motion of Mr. Handy to strike out the amendment of Mr. Berry of Franklin from the journal,

Mr. Berry of Franklin moved to modify Mr. Handy's motion as follows:

After the words "strike out," insert "all that portion which the Secretary thinks something like the amendment offered by Mr. Berry of Franklin, because the original is not in the possession of the Senate."

Which proposed modification of Mr. Berry of Franklin was accepted by Mr. Handy.

Mr. Osborn then moved to modify said modification of Mr. Berry of Franklin as follows:

Immediately after the same insert:

"But this Senate presumes their Senators and Representatives in Congress do understand what is constitutional and what is national, and to instruct them upon the meaning of the constitution and what are improvements of national importance, is a species of humbug that is wholly unnecessary."

Mr. Handy moved to lay said modification of Mr. Osborn on the table.

Mr. Orth moved to include in such motion to lay on the table the modification of Mr. Berry of Franklin.

And the question being upon laying said modification upon the table; and,

The ayes and noes being demanded by Messrs. Orth and Montgomery,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbrike, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

So said motion, so modified, to lay upon the table, did not prevail.

Mr. Verbrike then moved the previous question.

Which was not seconded.

The question then recurring upon the adoption of Mr. Osborn's modification; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbrike, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

So said modification was not adopted.

The question then recurring on the motion of Mr. Handy, as modified by Mr. Berry of Franklin, and by Mr. Handy accepted, to strike out what the Secretary thought something like Mr. Berry's amendatory instructions; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jack-

son, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—24.

So said motion prevailed.

And the journal of yesterday was accordingly corrected by striking out, by the Secretary, what appeared to be something like the amendment offered by Mr. Berry of Franklin, and which said Secretary, in the absence of the original, had inserted as the substance thereof.

Mr. Handy presented the petition of sundry citizens of Shelby county, praying the passage of a law declaring Brandywine a public highway; which,

On motion by Mr. Handy,

Was referred to a select committee consisting of Messrs. Handy, Hardin, and Robinson.

Mr. Hamer presented the petition of sundry citizens, freeholders, of Lawrence and Monroe counties for the re-location of a State road; which,

On motion by Mr. Hamer,

Was referred to a select committee composed of Messrs. Hamer, Parks, and Berry of Monroe.

Mr. Milliken presented the petition of sundry citizens, to vacate a portion of the old State road leading from Lawrenceburgh to Hardinsburgh; which,

On motion by Mr. Milliken,

Was referred to a select committee consisting of Messrs. Milliken, Berry of Franklin, and Robinson.

Mr. Green presented the remonstrance of sundry voters of Switzerland county, against the annexation of the townships of Posey and Cotton to Ohio county;

Which was referred to the committee heretofore appointed, and to whom were referred petitions upon the same subject.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 92, entitled "A bill to give to married women power to make wills, and to repeal section nine, chapter thirty, Revised Statutes of 1843," have had the same under consideration, and have

instructed me to report the same to the Senate, without amendment, and respectfully recommend its passage.

No. 92. A bill (of the Senate) to give to married women power to make wills, and repeal section nine, chapter thirty, Revised Statutes of 1843.

Said bill was ordered to be engrossed for a third reading.

Mr. Ellis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, which has been instructed by resolution of the Senate, to inquire into the expediency of abolishing the office of Agent of State, have instructed me to report a bill to that effect, and recommend its passage.

No. 137. A bill abolishing the office of Agent of State;

Which was read a first time, and ordered to a second reading.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 91, entitled "A bill in relation to brokers," have had the same under consideration, and instructed me to report the same back to the Senate without amendment, and respectfully recommend its passage.

No. 91.

Said bill was ordered to be engrossed for a third reading.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 32, entitled "A bill to repeal the 271st section of the 30th chapter of the Revised Statutes of 1843, and for other purposes;" and also bill of the Senate No. 52, entitled "A bill to amend the laws now in force in this State regulating the duties of executors, administrators, and guardians;" have had the same under consideration, and instructed me to report the same back to the Senate, and recommend that they be laid on the table.

They have also instructed me to report to the Senate, the following

bill, (which contains the provisions of the bills referred to said committee as above), entitled "A bill to amend the practice in the probate court," and respectfully recommend its passage:

Which report was concurred in.

No. 52. A bill to amend the practice in the probate court:
Which was read a first time and ordered to a second reading.

Mr. Henry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a bill entitled "An act relative to the assignment of dower, and to amend article three, chapter forty-five, Revised Statutes of 1843," have had the same under consideration, and directed me to report said bill back to the Senate, and recommend its passage.

No. 100. A bill (of the Senate) entitled as aforesaid;
Which was read a second time, and ordered to a third reading.

Mr. Murphey, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 123, entitled "A bill to amend an act entitled 'an act concerning crimes and punishments and proceedings in criminal cases,'" have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be indefinitely postponed; and ask to be discharged from the further consideration of the subject.

Which report was concurred in, and said bill was indefinitely postponed.

Mr. Murphey, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution, directing them to inquire into the expediency of the reduction of the fees now allowed by law to clerks of the circuit and probate courts, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon the subject; and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the said committee discharged from any further consideration thereof.

Mr. Davis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate No. 87, in relation to costs, have had the same under consideration, and have directed me to report said bill back to the Senate, and respectfully recommend its passage.

Which bill was read a second time, and ordered to a third reading.

Mr. Clements, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate No. 115, have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

Which bill was read a second time, and ordered to a third reading.

Mr. Stewart, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 102, entitled "a bill relative to executions, have had the same under consideration, and have directed me to report it back to the Senate, and recommend its passage.

Said bill was ordered to be engrossed for a third reading.

Mr. Osborn, chairman of the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to which was referred bill of the House No. 80, have had it under consideration, and have instructed me to report it back to the Senate, and recommend that it be referred to the committee on the judiciary; and said committee ask to be discharged from the further consideration thereof.

Which report was concurred in, and the bill accordingly referred.

Mr. Osborn, chairman of the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to which was referred the petition of P. A. Hackleman and others, asking for the passage of an act for the relief of the borrowers of the sinking fund, &c., on personal security, have considered that subject, and have instructed me to report the following bill, and recommend its passage, and said committee ask to be discharged from the further consideration thereof.

No. 139. An act for the relief of the borrowers of the sinking fund and other trust funds;

Which was read a first time, and ordered to a second reading.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the award made out by the arbitrators appointed for that purpose, to hear evidence and determine what amount, if any, was due J. B. Cahoon from the State of Indiana, for damages sustained by him as a contractor on the Jeffersonville and Crawfordsville road, have had the same under consideration, and directed me to report the following bill:

No. 140. A bill for the relief of Joel B. Cahoon;

Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Milliken, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of sundry citizens of Dearborn county, praying for additional allowance to the associate judges, and also a remonstrance against the same, signed by numerous citizens of said county, have had the same under consideration, and have instructed me to report that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Milligan, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, to whom was referred bills No. 21 and 7, of the Senate, have compared the enrolled with the engrossed and find them correctly enrolled.

Mr. Robinson, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 107, entitled, an act to amend the charter granted to the Milford and Columbus railroad company, have, according to order, had the same under consideration, and have directed me to report the same back to the Senate, with an amendment, and recommend its passage.

SEC. 6. It shall and may be lawful for said company to extend said road from Milford to St. Omer in Decatur county; and in extending said road, the company shall have, possess, and enjoy all the rights and privileges, and be subject to all the obligations and liabilities contained in this act and the act to which this is an amendment.

On motion by Mr. Robinson,

The rules were suspended, and the bill read a third time, and passed.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared engrossed bills of the Senate Nos. 16, 17, 15, 4, 31, 6, 11, 14, and 18, with the enrolled bills, and find them correctly enrolled.

Mr. Parks offered the following resolution:

Resolved, That the committee on elections be instructed to inquire into the expediency of repealing the act confining voters to their respective townships, approved January 13, 1846, with leave to report by bill or otherwise.

Which was not adopted.

Mr. Davis asked and obtained leave to withdraw certain papers from the files of the Senate.

On motion,
The Senate adjourned.

WEDNESDAY MORNING, DECEMBER 30, 1846.

The Senate assembled.

The journal of the preceding day was read.

Mr. Barbour, from the counties of Bartholomew and Jennings, appeared and took his seat.

A sealed message was received from his Excellency the Governor, by Mr. Hanna, his private secretary.

Mr. Hamer moved a call of the Senate;
Which was ordered.

On motion by Mr. Handy,

Mr. Hardin was excused from attendance, on account of sickness of his family.

On motion by Mr. Hamer,

The further call of the Senate was suspended.

Mr. Davis moved to correct the journal of yesterday, by striking out of the entry of the decision upon the question on the motion of Mr. Handy, as modified by Mr. Berry of Franklin, and by Mr. Handy accepted, all after the word "corrected," where the same occurs in such entry.

Mr. Berry of Franklin moved to modify the motion of Mr. Davis, so as to make it appear that the following were the words proposed to be stricken out by Mr. Davis:

"By striking out by the Secretary what appeared to be something like the amendment offered by Mr. Berry of Franklin, and which said Secretary, in the absence of the original, had inserted as the substance thereof."

Mr. Miller moved to lay the motion of Mr. Davis on the table;

Which motion prevailed.

Mr. English moved to suspend the previous orders of the day;

And the same being done,

Offered the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, adjourn *sine die* on the 18th of January next.

Mr. Montgomery proposed to amend said resolution as follows:

Strike out all after the word resolved, and insert:

"That inasmuch as there is much and important business before the Legislature, it is therefore inexpedient to fix, at this early period, a day to adjourn."

Mr. Parks moved to lay the resolution and amendment on the table;

Mr. Logan moved a division of the question;

The question then being upon laying the resolution of Mr. English on the table; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Bowers, Clements, Coffin, Edmonston, Marsh, Miller, Milligan, Morgan, Montgomery, Robinson, Stewart, Stockwell, Verbrike, Waters, and Winchell—16.

Those who voted in the negative are,

Messrs. Barbour, Beard, Berry of Franklin, Berry of Monroe, Bradbury, Chenowith, Coats, Conner, Cuppy, Davis, Day, Ellis, English, Goodenow, Green, Hamer, Hamrick, Handy, Henry, Holloway, Howell, Jackson, Logan, Milliken, Murphey, Orth, Osborn, Parks, Read, Rockhill, Simpson, Taber, and Zenor—33.

So said resolution was not laid on the table.

The question then being on laying the amendment of Mr. Montgomery on the table; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Conner, Cuppy, Davis, Day, Ellis, English, Goodenow, Green, Hamer, Hamrick, Handy, Holloway, Howell, Jackson, Logan, Milliken, Murphey, Orth, Osborn, Parks, Read, Rockhill, Simpson, Taber, and Zenor—32.

Those who voted in the negative are,

Messrs. Allison, Barbour, Clements, Coffin, Edmonston, Henry, Marsh, Miller, Milligan, Morgan, Montgomery, Robinson, Stewart, Stockwell, Verbrike, Waters, and Winchell—17.

So said amendment was laid upon the table.

Mr. Clements moved to amend the original resolution, by striking

out the "18th of January," and inserting in lieu thereof the "25th of January."

Mr. Logan moved to lay the amendment of Mr. Clements on the table; and,

The ayes and noes being demanded upon the question,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Conner, Cuppy, Davis, Day, Ellis, English, Goodenow, Green, Hamer, Hamrick, Henry, Holloway, Howell, Jackson, Logan, Marsh, Milligan, Milliken, Murphey, Orth, Osborn, Parks, Read, Rockhill, Simpson, Taber, and Zenor—35.

Those who voted in the negative are,

Messrs. Clements, Coffin, Edmonston, Handy, Miller, Morgan, Montgomery, Robinson, Stewart, Stockwell, Verbrike, Waters, and Winchell—13.

So said amendment of Mr. Clements was laid on the table.

Mr. Howell moved the previous question;

Which was seconded by two-thirds of the Senate.

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then being upon the adoption of the original resolution; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Conner, Cuppy, Davis, Day, Ellis, English, Goodenow, Green, Hamer, Hamrick, Henry, Holloway, Howell, Jackson, Logan, Milliken, Murphey, Orth, Parks, Read, Rockhill, Simpson, Taber, and Zenor—32.

Those who voted in the negative are,

Messrs. Allison, Clements, Edmonston, Handy, Marsh, Miller, Milligan, Morgan, Montgomery, Osborn, Robinson, Stewart, Stockwell, Waters, and Winchell—15.

So said resolution was adopted.

The President appointed the following a committee to act in conjunction with a similar committee on the part of the House of Representatives, upon the subject of the funded debt and the completion of the Wabash and Erie canal.

Select committee to which the State debt bill is referred:

1st, Stockwell; 2d, Davis; 3d, Green; 4th Holloway; 5th, Handy; 6th, Clements; 7th, Henry; 8th, Montgomery; 9th, Osborn; 10th, Marsh.

The following message was received from his Excellency, the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate that he did on this day approve and sign the following bills, to-wit:

No. 97. An act to provide for a special session of the probate court of Hamilton county;

No. 36. An act to provide for a special term of the Madison circuit court;

No. 17. An act to amend an act to authorize the sale of school lands in township two south, of range one west, in the county of Crawford, approved December 31st, 1845;

No. 18. An act to repeal so much of a joint resolution establishing the per diem allowance of probate judges of Tippecanoe and Greene counties, approved January 19th, 1846;

No. 16. An act for the relief of Victor A. Pepin of Floyd county;

No. 15. An act to change the time of holding probate court at the August term in Greene county;

No. 14. An act authorizing the auditor of Henry county to sell a certain tract of land therein named;

No. 7. An act relating to the auditor of Union county;

No. 11. An act to legalize the adjournment of the Decatur circuit court;

No. 21. An act to require a *nolle prosequi* in the Dubois circuit court;

No. 6. An act to change the time of holding the circuit court in the county of Wells, and for other purposes;

No. 4. An act to revive an act entitled "An act to locate a State road from Point Commerce, in Greene county, to the feeder dam, in Clay county," approved 20th January, 1846;

All of which originated in the Senate.

December 30, 1846.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Se-

nate that the Speaker of the House of Representatives has signed the following enrolled bills of the Senate:

No. 7. An act relating to the office of auditor of Union county;

No. 21. An act to require a *nolle prosequi* in the Dubois circuit court;

Mr. Murphey, chairman of the committee on enrolled bills, made the following reports:

MR. PRESIDENT:

The committee on enrolled bills have directed me to report, that on the 30th of December, 1846, they presented to his Excellency the Governor, for his approbation and signature, bills of the Senate Nos. 4, 6, 21, 11, 14, 15, 16, 17, 18, 31, 97, and 24.

MR. PRESIDENT:

The committee on enrolled bills have compared engrossed bill of the Senate No. 24, with the enrolled, and find it correctly enrolled.

Mr. Berry of Monroe presented the petition of James Rogers and others, praying for extension of the time of the payment for semi-nary lands in Monroe county; which,

On motion by Mr. Berry of Monroe,

Was referred to a select committee consisting of Messrs. Berry of Monroe, Parks, Allison, and Edmonston.

Mr. Davis moved to refer the report of the State Bank, to the committee on the State Bank;

Which was ordered.

Mr. Allison presented the petition of T. C. Johnson, county auditor of Owen county, upon the subject of the preservation of the trust funds of the State; which,

On motion by Mr. Allison,

Was referred to the committee on education.

Mr. Milligan presented the petition of Alexander Johnston and others; which,

On motion by Mr. Milligan,

Was referred to the committee on roads.

Mr. Montgomery presented the petition of E. F. Lucas, for relief.

Mr. Montgomery moved to refer said petition to the committee on canals and internal improvements;

Which motion did not prevail.

Mr. Hamrick moved to refer said petition to the committee on claims;

And it was so referred.

Mr. Coffin presented the petition of P. Frink and others, relative

to the improvement of the road from Indianapolis to Montezuma; which,

On motion by Mr. Coffin,

Was referred to a select committee composed of Messrs. Coffin, Hamrick, Verbrake, and Stewart.

Mr. Henry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred a petition asking relief for the heirs of George Dougherty, deceased, have had the same under consideration, and directed me to report the following bill, and recommend its passage, which will establish a general law, applicable to this and all similar cases.

No. 141. A bill to vest the title to land in the heirs, devisees, or assigns, of the purchasers of lands in certain cases, where said purchaser has died or shall hereafter die before the date of the patent or deed of conveyance;

Which was read a first time, and ordered to a second reading.

Mr. Winchell, from the judiciary committee, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred the petition of J. Perey and others, have had the same under consideration, and directed me to report the following bill:

No. 142. A bill requiring travelling merchants and pedlars to take out license before they shall be allowed to sell merchandize and foreign and domestic groceries;

Which was read a first time, and ordered to a second reading.

Mr. Montgomery moved to reconsider the vote on referring the petition of E. F. Lucas to the committee on claims;

Which motion did not prevail.

Mr. Murphey, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have directed me to report, that they presented to his Excellency the Governor, for his approbation and signature, on the 29th December, 1846, bills Nos. 153, 134, 71, 56, 27, and 23.

Mr. Milligan offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the present school law, as to exonerate all persons from the payment of any school tax, who disclaims any profits arising from the present school tax.

Which was adopted.

Mr. Berry of Franklin offered the following resolution:

Resolved, That the librarian be informed that there is no railing needed upon the eastern side of the Senate chamber, and that he is hereby directed to not cause any such railing to be erected there.

Which,

On motion by Mr. Orth,
Was laid on the table.

Mr. Robinson offered the following resolution:

Resolved, That the judiciary committee be instructed to report a bill to the Senate, giving to justices of the peace jurisdiction in certain criminal offences of a minor character, of which justices have no jurisdiction at this time.

Which was adopted.

Mr. Waters offered the following resolution:

Resolved, That the bill reported to this body, during the present session, for the relief of Indiana volunteers, be recommitted to an appropriate committee, with instructions to so amend the same, that the Indiana volunteers in the Mexican war shall not be chargeable with poll taxes during their engagement as such; and also, that any poll taxes heretofore charged against such individuals shall be remitted.

Which was adopted.

Mr. Stockwell offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the existing laws, as to require the several officers having charge of school, seminary, surplus revenue, or any other of the public funds in this State, to pay costs that may be adjudged against them, or either of them, in all suits brought by or against them in relation to the said funds, and that the said costs be paid out of the proper funds on which such costs accrued; and report by bill or otherwise.

Which was adopted.

Mr. Holloway introduced,
No. 143. A joint resolution relative to the sale of intoxicating liquors to Indians;

Which was read a first time, and ordered to a second reading.

Mr. Osborn introduced,

Mr. Milligan, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, to whom was referred bills No. 21 and 7, of the Senate, have compared the enrolled with the engrossed and find them correctly enrolled.

Mr. Robinson, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 107, entitled, an act to amend the charter granted to the Milford and Columbus railroad company, have, according to order, had the same under consideration, and have directed me to report the same back to the Senate, with an amendment, and recommend its passage.

SEC. 6. It shall and may be lawful for said company to extend said road from Milford to St. Omer in Decatur county; and in extending said road, the company shall have, possess, and enjoy all the rights and privileges, and be subject to all the obligations and liabilities contained in this act and the act to which this is an amendment.

On motion by Mr. Robinson,
The rules were suspended, and the bill read a third time, and passed.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared engrossed bills of the Senate Nos. 16, 17, 15, 4, 31, 6, 11, 14, and 18, with the enrolled bills, and find them correctly enrolled.

Mr. Parks offered the following resolution:

Resolved, That the committee on elections be instructed to inquire into the expediency of repealing the act confining voters to their respective townships, approved January 13, 1846, with leave to report by bill or otherwise.

Which was not adopted.

Mr. Davis asked and obtained leave to withdraw certain papers from the files of the Senate.

On motion,
The Senate adjourned.

WEDNESDAY MORNING, DECEMBER 30, 1846.

The Senate assembled.

The journal of the preceding day was read.

Mr. Barbour, from the counties of Bartholomew and Jennings, appeared and took his seat.

A sealed message was received from his Excellency the Governor, by Mr. Hanna, his private secretary.

Mr. Hamer moved a call of the Senate;
Which was ordered.

On motion by Mr. Handy,

Mr. Hardin was excused from attendance, on account of sickness of his family.

On motion by Mr. Hamer,

The further call of the Senate was suspended.

Mr. Davis moved to correct the journal of yesterday, by striking out of the entry of the decision upon the question on the motion of Mr. Handy, as modified by Mr. Berry of Franklin, and by Mr. Handy accepted, all after the word "corrected," where the same occurs in such entry.

Mr. Berry of Franklin moved to modify the motion of Mr. Davis, so as to make it appear that the following were the words proposed to be stricken out by Mr. Davis:

"By striking out by the Secretary what appeared to be something like the amendment offered by Mr. Berry of Franklin, and which said Secretary, in the absence of the original, had inserted as the substance thereof."

Mr. Miller moved to lay the motion of Mr. Davis on the table;
Which motion prevailed.

Mr. English moved to suspend the previous orders of the day;
And the same being done,

Offered the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, adjourn *sine die* on the 18th of January next.

Mr. Montgomery proposed to amend said resolution as follows:

Strike out all after the word resolved, and insert:

"That inasmuch as there is much and important business before the Legislature, it is therefore inexpedient to fix, at this early period, a day to adjourn."

Mr. Parks moved to lay the resolution and amendment on the table;

Mr. Logan moved a division of the question;

The question then being upon laying the resolution of Mr. English on the table; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Bowers, Clements, Coffin, Edmonston, Marsh, Miller, Milligan, Morgan, Montgomery, Robinson, Stewart, Stockwell, Verbrike, Waters, and Winchell—16.

Those who voted in the negative are,

Messrs. Barbour, Beard, Berry of Franklin, Berry of Monroe, Bradbury, Chenowith, Coats, Conner, Cuppy, Davis, Day, Ellis, English, Goodenow, Green, Hamer, Hamrick, Handy, Henry, Holloway, Howell, Jackson, Logan, Milliken, Murphey, Orth, Osborn, Parks, Read, Rockhill, Simpson, Taber, and Zenor—33.

So said resolution was not laid on the table.

The question then being on laying the amendment of Mr. Montgomery on the table; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Conner, Cuppy, Davis, Day, Ellis, English, Goodenow, Green, Hamer, Hamrick, Handy, Holloway, Howell, Jackson, Logan, Milliken, Murphey, Orth, Osborn, Parks, Read, Rockhill, Simpson, Taber, and Zenor—32.

Those who voted in the negative are,

Messrs. Allison, Barbour, Clements, Coffin, Edmonston, Henry, Marsh, Miller, Milligan, Morgan, Montgomery, Robinson, Stewart, Stockwell, Verbrike, Waters, and Winchell—17.

So said amendment was laid upon the table.

Mr. Clements moved to amend the original resolution, by striking

out the "18th of January," and inserting in lieu thereof the "25th of January."

Mr. Logan moved to lay the amendment of Mr. Clements on the table; and,

The ayes and noes being demanded upon the question,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Conner, Cuppy, Davis, Day, Ellis, English, Goodenow, Green, Hamer, Hamrick, Henry, Holloway, Howell, Jackson, Logan, Marsh, Milligan, Milliken, Murphey, Orth, Osborn, Parks, Read, Rockhill, Simpson, Taber, and Zenor—35.

Those who voted in the negative are,

Messrs. Clements, Coffin, Edmonston, Handy, Miller, Morgan, Montgomery, Robinson, Stewart, Stockwell, Verbriek, Waters, and Winchell—13.

So said amendment of Mr. Clements was laid on the table.

Mr. Howell moved the previous question;

Which was seconded by two-thirds of the Senate.

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then being upon the adoption of the original resolution; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Conner, Cuppy, Davis, Day, Ellis, English, Goodenow, Green, Hamer, Hamrick, Henry, Holloway, Howell, Jackson, Logan, Milliken, Murphey, Orth, Parks, Read, Rockhill, Simpson, Taber, and Zenor—32.

Those who voted in the negative are,

Messrs. Allison, Clements, Edmonston, Handy, Marsh, Miller, Milligan, Morgan, Montgomery, Osborn, Robinson, Stewart, Stockwell, Waters, and Winchell—15.

So said resolution was adopted.

The President appointed the following a committee to act in conjunction with a similar committee on the part of the House of Representatives, upon the subject of the funded debt and the completion of the Wabash and Erie canal.

Select committee to which the State debt bill is referred:

1st, Stockwell; 2d, Davis; 3d, Green; 4th Holloway; 5th, Handy; 6th, Clements; 7th, Henry; 8th, Montgomery; 9th, Osborn; 10th, Marsh.

The following message was received from his Excellency, the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform the Senate that he did on this day approve and sign the following bills, to-wit:

No. 97. An act to provide for a special session of the probate court of Hamilton county;

No. 36. An act to provide for a special term of the Madison circuit court;

No. 17. An act to amend an act to authorize the sale of school lands in township two south, of range one west, in the county of Crawford, approved December 31st, 1845;

No. 18. An act to repeal so much of a joint resolution establishing the per diem allowance of probate judges of Tippecanoe and Greene counties, approved January 19th, 1846;

No. 16. An act for the relief of Victor A. Pepin of Floyd county;

No. 15. An act to change the time of holding probate court at the August term in Greene county;

No. 14. An act authorizing the auditor of Henry county to sell a certain tract of land therein named;

No. 7. An act relating to the auditor of Union county;

No. 11. An act to legalize the adjournment of the Decatur circuit court;

No. 21. An act to require a *nolle prosequi* in the Dubois circuit court;

No. 6. An act to change the time of holding the circuit court in the county of Wells, and for other purposes;

No. 4. An act to revive an act entitled "An act to locate a State road from Point Commerce, in Greene county, to the feeder dam, in Clay county," approved 20th January, 1846;

All of which originated in the Senate.

December 30, 1846.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Se-

nate that the Speaker of the House of Representatives has signed the following enrolled bills of the Senate:

No. 7. An act relating to the office of auditor of Union county;

No. 21. An act to require a *nolle prosequi* in the Dubois circuit court;

Mr. Murphey, chairman of the committee on enrolled bills, made the following reports:

MR. PRESIDENT:

The committee on enrolled bills have directed me to report, that on the 30th of December, 1846, they presented to his Excellency the Governor, for his approbation and signature, bills of the Senate Nos. 4, 6, 21, 11, 14, 15, 16, 17, 18, 31, 97, and 24.

MR. PRESIDENT:

The committee on enrolled bills have compared engrossed bill of the Senate No. 24, with the enrolled, and find it correctly enrolled.

Mr. Berry of Monroe presented the petition of James Rogers and others, praying for extension of the time of the payment for semi-ary lands in Monroe county; which,

On motion by Mr. Berry of Monroe,

Was referred to a select committee consisting of Messrs. Berry of Monroe, Parks, Allison, and Edmonston.

Mr. Davis moved to refer the report of the State Bank, to the committee on the State Bank;

Which was ordered.

Mr. Allison presented the petition of T. C. Johnson, county auditor of Owen county, upon the subject of the preservation of the trust funds of the State; which;

On motion by Mr. Allison,

Was referred to the committee on education.

Mr. Milligan presented the petition of Alexander Johnston and others; which,

On motion by Mr. Milligan,

Was referred to the committee on roads.

Mr. Montgomery presented the petition of E. F. Lucas, for relief.

Mr. Montgomery moved to refer said petition to the committee on canals and internal improvements;

Which motion did not prevail.

Mr. Hamrick moved to refer said petition to the committee on claims;

And it was so referred.

Mr. Coffin presented the petition of P. Frink and others, relative

to the improvement of the road from Indianapolis to Montezuma; which,

On motion by Mr. Coffin,

Was referred to a select committee composed of Messrs. Coffin, Hamrick, Verbrike, and Stewart.

Mr. Henry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred a petition asking relief for the heirs of George Dougherty, deceased, have had the same under consideration, and directed me to report the following bill, and recommend its passage, which will establish a general law, applicable to this and all similar cases.

No. 141. A bill to vest the title to land in the heirs, devisees, or assigns, of the purchasers of lands in certain cases, where said purchaser has died or shall hereafter die before the date of the patent or deed of conveyance;

Which was read a first time, and ordered to a second reading.

Mr. Winchell, from the judiciary committee, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred the petition of J. Perey and others, have had the same under consideration, and directed me to report the following bill:

No. 142. A bill requiring travelling merchants and pedlars to take out license before they shall be allowed to sell merchandize and foreign and domestic groceries;

Which was read a first time, and ordered to a second reading.

Mr. Montgomery moved to reconsider the vote on referring the petition of E. F. Lucas to the committee on claims;

Which motion did not prevail.

Mr. Murphey, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have directed me to report, that they presented to his Excellency the Governor, for his approbation and signature, on the 29th December, 1846, bills Nos. 153, 134, 71, 56, 27, and 23.

Mr. Milligan offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the present school law, as to exonerate all persons from the payment of any school tax, who disclaims any profits arising from the present school tax.

Which was adopted.

Mr. Berry of Franklin offered the following resolution:

Resolved, That the librarian be informed that there is no railing needed upon the eastern side of the Senate chamber, and that he is hereby directed to not cause any such railing to be erected there.

Which,

On motion by Mr. Orth,
Was laid on the table.

Mr. Robinson offered the following resolution:

Resolved, That the judiciary committee be instructed to report a bill to the Senate, giving to justices of the peace jurisdiction in certain criminal offences of a minor character, of which justices have no jurisdiction at this time.

Which was adopted.

Mr. Waters offered the following resolution:

Resolved, That the bill reported to this body, during the present session, for the relief of Indiana volunteers, be recommitted to an appropriate committee, with instructions to so amend the same, that the Indiana volunteers in the Mexican war shall not be chargeable with poll taxes during their engagement as such; and also, that any poll taxes heretofore charged against such individuals shall be remitted.

Which was adopted.

Mr. Stockwell offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the existing laws, as to require the several officers having charge of school, seminary, surplus revenue, or any other of the public funds in this State, to pay costs that may be adjudged against them, or either of them, in all suits brought by or against them in relation to the said funds, and that the said costs be paid out of the proper funds on which such costs accrued; and report by bill or otherwise.

Which was adopted.

Mr. Holloway introduced,

No. 143. A joint resolution relative to the sale of intoxicating liquors to Indians;

Which was read a first time, and ordered to a second reading.

Mr. Osborn introduced,

No. 144. A joint resolution relative to the harbor at Michigan City, and the improvement of the rivers Ohio and Mississippi, and the completion of the Cumberland road;

Which was read a first time, and ordered to a second reading.

Mr. Winchell introduced,

No. 145. A joint resolution relative to the war with Mexico;

Which was read a first time.

Mr. Holloway introduced,

No. 146. A bill to amend an act entitled "An act to incorporate the Richmond turnpike company," approved January 15th, 1844;

Which was read a first time.

On motion by Mr. Holloway.

The rules were suspended, and the bill read a second time.

Mr. Holloway then moved to refer said bill to the committee on corporations;

Which was ordered.

Mr. Robinson introduced,

No. 147.

Which was read a first time, and ordered to a second reading.

Mr. Milliken introduced,

No. 148.

Which was read a first time; when,

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time.

Mr. Orth moved to refer said bill to the committee on the judiciary, with instructions to make its provisions general;

It was so referred by consent.

Mr. Coats introduced,

No. 149.

Which was read a first time.

On motion by Mr. Coats,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Edmonston moved to adjourn;

Which motion did not prevail.

The Senate took up the

ORDERS OF THE DAY.

No. 91. A bill in relation to brokers;

Which was read a third time and passed.

No. 108.

Which was read a third time and passed.

No. 110.

Which was read a third time and passed.

No. 89.

Which was read a third time and passed.

No. 100.

Which was read a third time and passed.

No. 106. A bill (of the House) to amend the charter of the Hagerstown canal company, and to legalize their acts;

Which was read a third time and passed.

No. 109.

Which was read a third time and passed.

Mr. Murphey moved to suspend the order of business, and take from the table,

No. 71. A bill to amend the several laws now in force in this State subjecting real and personal property to execution;

Which was agreed to;

And the same was taken up and read a third time.

Mr. Handy moved to lay said bill on the table; and,

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Conner, Cuppy, Day, Edmonston, Ellis, English, Green, Hamrick, Handy, Henry, Holloway, Howell, Jackson, Marsh, Miller, Milligan, Milliken, Simpson, Stewart, Verbriek, and Waters—24.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Goodenow, Hamer, Logan, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Robinson, Rockhill, Stockwell, Taber, Winchell, and Zenor—24.

Mr. President voting in the affirmative;

The bill was laid upon the table.

On motion,

The Senate adjourned.

2 o'clock, P. M.

Senate met.

Mr. Handy moved to take from the table,

No. 83. A bill (of the Senate) to amend the laws now in force in this State subjecting real and personal property to execution;

Which was agreed to;

And said bill was read a second time.

Mr. Parks moved to amend said bill by striking out from the enacting clause, and inserting in lieu thereof:

No. 83. A bill to amend the laws now in force in this State, subjecting real and personal property to execution.

Mr. Murphey called for a division of the question.

Mr. Parks moved a call of the Senate.

On motion by Mr. Orth,

The further call of the Senate was suspended.

Mr. Orth moved to refer said bill and proposed amendment to the judiciary committee;

Which motion prevailed.

Mr. Hardin moved a call of the roll;

Which was ordered.

On motion by Mr. Read,

The further call was dispensed with.

Mr. Orth moved to take up the message of his Excellency the Governor.

The Senate then proceeded with closed doors to the opening and consideration of the sealed message of his Excellency the Governor, this day received.

Said message is as follows:

EXECUTIVE DEPARTMENT, }
December 29, 1846. }

Gentlemen of the Senate:

I hereby nominate to you for appointment, Samuel E. Perkins, as a Judge of the Supreme Court of the State of Indiana, to hold the said office of Judge as aforesaid, during the term of seven years, if he shall so long behave well; the said term to commence at the end of the present session of the General Assembly of said State, at which time the present commission of the said Samuel E. Perkins as a Judge of said court will expire. To which nomination for appointment of the said Samuel E. Perkins, as a Judge of said court as aforesaid, the advice and consent of the Senate are respectfully asked.

JAMES WHITCOMB.

Mr. Beard offered the following resolution:

Resolved, That the Senate do hereby advise and consent to the nomination of Samuel E. Perkins, as one of the Judges of the Supreme Court of the State of Indiana.

And the ayes and noes being demanded by two Senators upon the adoption of said resolution,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of

Monroe, Coats, Conner, Cuppy, Day, Edmonston, Ellis, English, Green, Hamer, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, Verbrike, Waters, and Zenor—33.

Those who voted in the negative are,

Messrs. Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Goodenow, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, and Winchell—17.

So said resolution was adopted;

And said nomination of Samuel E. Perkins consented to by the Senate; and,

On motion by Mr. Beard,

The Secretary was directed to inform the Governor thereof.

The Senate then took up the

ORDERS OF THE DAY.

No. 115.

Which was read a third time and passed.

No. 102.

Which was read a third time and passed.

Mr. Read moved to take from the table,

No. 3.

Which was agreed to.

Mr. Orth moved to refer said bill to the committee on the judiciary, with instructions to inquire whether a convention to amend the constitution has been called by the people, at the last August election, under the provisions of the constitution.

The question being upon said motion of Mr. Orth; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, Stockwell, Verbrike, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Hamer, Handy, Hardin, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Taber, and Waters—24.

Mr. President voting in the negative,

Said motion of Mr. Orth did not prevail.

Mr. Allison then moved to postpone the consideration of said bill to two o'clock on Friday next.

Mr. Parks moved to amend said motion, by inserting in the place of the time proposed by Mr. Allison, "two o'clock on to-morrow;"

Which amendment was accepted by Mr. Allison;

And said bill made the special order of the day for to-morrow two o'clock.

No. 127. A bill for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary to the sinking fund of the State, and for other purposes;

Which was read a second time.

Mr. Handy moved to recommit said bill to the committee on education, with the following instructions:

To inquire, 1st. What description of bonds;

2d. Whether due or not, and if due, at what time; and,

3d. Whether this act does not repeal part of the bank charter.

The division of the question being called for; and,

The question being,

"Shall the bill be recommitted?" and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Hamer, Hamrick, Hardin, and Logan—4.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Cuppy, Davis, Day, Edmonston, Ellis, English, Goodenow, Green, Henry, Holloway, Howell, Jackson, Marsh, Miller, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbrike, Waters, Winchell, and Zenor—45.

So said bill was not recommitted.

Said bill was ordered to a third reading.

No. 114. A bill to enable executors and administrators to settle estates;

Which was read a second time; and,

On motion,

Referred to the judiciary committee.

No. 118.

Which was read a second time, and ordered to a third reading.

No. 119. A bill (of the Senate),

Which was read a second time.

No. 122. A bill (of the Senate),

Which was read a second time.

Mr. Taber moved to suspend the rules, and read the bill a third time now;

And the rules were suspended, and the bill read a third time and passed.

No. 124. A bill (of the Senate),

Which was read a second time, and ordered to a third reading.

No. 125. A bill (of the Senate),

Which was read a second time; and,

On motion by Mr. Edmonston,
Referred to the committee on claims.

No. 126. A bill (of the Senate),

Which was read a second time; and,

On motion by Mr. Coats,
Referred to the committee on canals and internal improvements.

No. 128. A bill (of the Senate),

Which was read a second time, and ordered to a third reading.

No. 129. A bill (of the Senate),

Which was read a second time, and ordered to a third reading.

No. 130. A bill (of the Senate),

Which was read a second time, and ordered to a third reading.

No. 131. A joint resolution expressive of the approbation of the General Assembly of the State of Indiana in the Mexican war;

Mr. Davis moved to amend said joint resolution, by substituting in lieu thereof the following:

Mr. Edmonston asked for a division of the question.

Mr. Berry of Franklin moved to refer said resolution and pending amendments to the committee on federal relations;

Which motion prevailed;

And they were so referred.

Mr. Ellis, upon leave for that purpose, offered the following resolution:

WHEREAS, It appears from the annual report of the President of the State Bank of Indiana, that "most of the individual stock in the Michigan City Branch has lately been sold to three gentlemen of the State of Illinois; and the circumstance that they are strangers not only to the officers of said State Bank, and those of the sister branches, but to our community at large, has naturally excited a lively solicitude in regard to the future administration of the affairs of that Branch:" Wherefore,

Resolved, That the committee on the State Bank take into consideration the condition of said Branch, with power to send for persons and papers, and with leave to report by bill or otherwise, such mea-

sures as they may think the condition of said Branch may require, for the safety and good credit of the said State Bank.

Which was adopted.

On motion by Mr. Stewart,
The Senate adjourned.

THURSDAY MORNING, DECEMBER 31, 1846.

The Senate assembled.

The journal of the preceding day was read.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House of Representatives have passed the following engrossed bills thereof:

No. 231. An act to legalize certain proceedings of the probate court of Allen county, Indiana;

No. 234. An act to change the name of William Chill to that of William Darnall;

In which the concurrence of the Senate is respectfully requested.

The President announced the appointment of Mr. Barbour as a member of each of the standing committees following:

Of the committee on the judiciary, on federal relations, on the State Bank, and on corporations.

Mr. Berry of Monroe presented the remonstrance of sundry citizens of Monroe and Lawrence counties, on the subject of a road therein named; which,

On motion by Mr. Berry of Monroe,

Was referred to the select committee on the same subject.

Mr. Milliken presented the petition of sundry merchants and citizens of Dearborn county, in relation to pedlars; which,

On motion by Mr. Milliken,

Was referred to a select committee composed of Messrs. Milliken, Berry of Franklin, and Edmonston.

Mr. Milligan presented the petition of sundry citizens of Jay county, in relation to a certain road therein named; which,

On motion by Mr. Milligan,

Was referred to a select committee of Messrs. Milligan, Winchell, and Marsh.

Mr. Edmonston presented the petition of Nancy Barnes, for a divorce;

On motion by Mr. Edmonston,

The petition was laid upon the table.

Mr. Barbour presented the petition of Martin Houser, in regard to quieting a title to certain land; which,

On motion by Mr. Barbour,

Was referred to a select committee consisting of Messrs. Barbour, Goodenow, and Berry of Monroe.

Mr. Read, chairman of the committee on federal relations, made the following report:

Mr. Berry of Monroe moved to lay the report upon the table, and that 2000 copies of the same be printed for the use of the Senate.

Mr. Orth called for a division of the question;

Pending which,

Mr. Berry of Monroe withdrew his motion to print said report.

The report was then laid upon the table; and,

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Mr. Coats asked and obtained leave to withdraw from the State Library certain petitions of Horatio B. Smith, presented at the last session.

The Senate then went into the consideration of the

ORDER OF THE DAY.

Which was,

No. 3. A bill to provide for the calling of a convention to revise the constitution of this State.

Mr. Orth moved to postpone the consideration of said bill, and make it the order of the day for Monday next, at two o'clock;

The ayes and noes being demanded thereon by Messrs. Edmonston and Ellis,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Stewart, Taber, Verbrike, Waters, Winchell, and Zenor—28.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, and Rockhill—21.

So the bill was accordingly postponed.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 10, entitled "An act explanatory of the act therein named," have had the same under consideration, and instructed me to report the same to the Senate, and recommend its indefinite postponement.

The question being upon concurring in said report; and,

The ayes and noes being demanded by Messrs. Berry of Monroe and Ellis;

Those who voted in the affirmative are,

Messrs. Clements, Coffin, Conner, Davis, Ellis, Murphey, Orth, and Winchell—8.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Cuppy, Day, Edmonston, English, Goodenow, Green, Hamer, Hamrick, Handy, Hardin, Henry, Holloway, Howell, Jackson, Marsh, Miller, Milligan, Milliken, Morgan, Montgomery, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbrike, Waters, and Zenor—41.

So the bill was not indefinitely postponed;

But was ordered to a third reading.

29 S

On motion by Mr. Henry,

The report of the trustees for the education of the blind was taken from the table, and referred to the committee on benevolent institutions.

Mr. Handy, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of citizens of Shelby county, praying the passage of a law authorizing the removal of obstructions in Brandywine creek, in Shelby county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 150. A bill to authorize the removal of obstructions in Brandywine, in Shelby county;

Which was read a first time and ordered to a second reading.

Mr. Read, chairman of the committee on federal relations, made the following report:

MR. PRESIDENT:

A majority of the committee on federal relations, to which was referred so much of the Governor's message as relates to the war with Mexico, have had the same under consideration, and cordially concur in the sentiments therein expressed. While they, in common with the great mass of their fellow-citizens throughout the State, sincerely deplore the necessity of a war with any nation, they are fully satisfied that the present contest could not have been avoided, without such pusillanimous concessions to arrogant and unjust demands, as must have lowered our national character in the eyes of all other nations.

The course pursued by this country towards Mexico, has always been characterized by generosity and forbearance. Ardently sympathizing with every people who have been engaged in resistance to oppression, and who have struggled to cast off the yoke of tyranny, we watched the progress of the Mexicans, in their contest with Spain for independence, with the utmost solicitude, and afforded them every aid and assistance which one people could afford another, without an open and palpable violation of necessity. Rejoicing in their success, we were among the first to welcome and acknowledge them among the independent nations of the earth, long before Spain had relinquished her pretensions, or had ceased to claim Mexico as a Spanish province. After they had achieved their independence, we still continued to exhibit towards them the same kind and indulgent feelings; and though they were guilty of reiterated acts of

aggression and insult towards us, we were disposed to regard such acts as the result of an imperfect government and a disorganized state of society, superinduced by their recent struggles, and the oppressions under which they had labored. Under the influence of such considerations, we forbore to insist upon redress in such urgent terms as would have been justified by the occasion, or such as we should probably have used towards a more powerful nation, or one for whom we entertained less friendly feelings. We waited patiently, in the hope that when the people of Mexico had become more settled, and more accustomed to self-government, these causes of grievance would be remedied; but unfortunately such was not the case. Depredations continued to be made upon our commerce; our citizens were imprisoned, and our flag insulted in the most lawless manner, and all attempts upon our part to obtain reparation, were entirely fruitless. The government of Mexico, instead of improving with time, became more and more unsettled; the liberties of the people were again subverted, under the rule of a set of military chieftains, who succeeded each other in rapid succession, and each one of whom seemed only more arrogant and rapacious than his predecessor. If treaties were made with them, they answered no purpose, for they were shamefully broken or disregarded. Thus, without any regard to the questions which arose respecting the annexation of Texas, we had ample cause for a war with Mexico, long before the war was commenced, (not by us, but by that country,) and nothing but our own perhaps too great forbearance, could have prevented the contest from commencing at a much earlier date.

The protection of our citizens in their persons and property, when engaged in lawful pursuits, is one of the most imperative obligations of the government, and one that cannot be evaded or neglected without national dishonor; yet we preferred to have the reproaches of our citizens, who had suffered gross injustice, and to risk the depreciation of our national character abroad, rather than resort to the extreme measure of declaring war against a people who were greatly inferior to ourselves in strength and resources, when all other means of redress seemed hopeless. It is not deemed necessary that this committee should enter into a lengthy exposition of the questions which arose upon the annexation of Texas, and which were the more immediate causes of the hostilities commenced by Mexico.

We may be permitted to say, however, that no reasonable mind can find in them any justification for the attack made upon us. The territory now comprised in Texas, was first claimed by France, and by that country ceded to the United States, in 1803. In 1819, it was ceded by the United States to Spain, by the Florida treaty. It then stood with the other Spanish provinces in the same relation to Spain, that our own States did while they were colonies to Great Britain. Each of the provinces were independent of each other, though they all acknowledged the government of the mother coun-

try. Soon after the cession of Texas to Spain, the Spanish provinces threw off the yoke, and acquired their independence. They were then, to all intents and purposes, separate and independent of each other, and each had the undoubted right to establish such form of government as it should think fit. In imitation of our own example, in 1824, they united in the form of a federative government, each having its own executive and legislature, and its own State constitution. This union was preserved eleven years; when, in 1835, a revolution occurred in the city of Mexico, which enabled a military usurper to overturn the existing government. The State constitutions were, by a junto of his creatures, declared to be abolished, and the States themselves arbitrarily converted into departments of the government thus established. What American citizen will acknowledge that the people of Texas were under any constitutional, legal, or moral obligation to submit to a despotism created in this manner?

Most assuredly there are men who would not at once declare that they would, had it been their own case, have resisted such unwarrantable usurpation at all hazards. The people of Texas did nothing more or less. They held a convention and declared their union with the Mexican States, which had submitted to the dictation, at an end; and in a word, they did in 1836, as our revolutionary fathers did in 1776, they declared themselves a free, sovereign, and independent people; and in the same year, in one battle on the glorious field of San Jacinto, achieved so decisive a victory that no serious attempt was ever after made to subject them to Mexican authority. It was so evident that their independence was in fact achieved and that Mexico was unable to reduce them to submission, that their independence was formally acknowledged, not only by our Government, but by several of the principal powers of Europe. Under such circumstances, who can doubt the right of Texas to join our confederacy or any other, if she thought proper. She owed no allegiance to the usurper who governed Mexico, and even if she ever had owed such allegiance, it had been dissolved by the operation and establishment of her independence. Considering her then as an independent nation, and so we were bound to consider her by our own recognition, and by that of other nations, her admission into our Union, upon her own voluntary application, could afford no reasonable ground of complaint on the part of Mexico. It appears to us that this conclusion is so self-evident, from the facts thus briefly recited, that no one, unless blinded by prejudice or self-interest can withhold his assent to it. With the ideas which here prevail of the right of nations and of individuals, it certainly cannot be doubted in this country; nor do we think it can in any other, when tested with the aid of reason and common sense. With just as much reason might Spain declare war against us, should Mexico herself apply for admission into our Union, and we should receive her. And indeed Great Britain might, with equal justice, declare

war against Mexico for the reason that she should consent to admit it into our confederacy. With her such reasons would be regarded amongst all civilized nations as absurd. Yet such is the ostensible and declared cause of the war which was commenced by Mexico, and in which we are now engaged. To suppose the war originated from any question relative to the boundary of Texas, is altogether erroneous. The facts abundantly prove that Mexico had fully determined upon entering into the contest some time before our troops advanced to the banks of the Rio Grande. This movement was called for by the hostile attitude which Mexico had previously opened, as a measure of precaution and preparation from the refusal of Mexico to receive our Minister—the accession of General Paredes to the head of the Government, and many others.

Which was read and laid on the table.

Mr. Verbrike, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition of sundry citizens of the counties of Hendricks, Putnam, and Montgomery, praying for the location of a State road in said counties, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 151. A bill for the location of a State road in the counties of Hendricks, Putnam, and Montgomery;

Which was read a first time.

On motion by Mr. Beard,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Winchell, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of John C. Helm and others, asking for the abolishment of the office of justice of the peace in Yorktown, Delaware county, Indiana, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 152. A bill abolishing the office of justice of the peace in Yorktown, Delaware county, Indiana.

Which was read a first time and ordered to a second reading.

Mr. Milliken, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Omer Tousey and others, praying for the vacation of a certain road, have had the same under consideration, and have directed me to report the accompanying bill.

No. 153. A bill to vacate a road in the town of Lawrenceburgh; Which was read a first time, and ordered to a second reading.

Mr. Milligan offered the following resolution:

Resolved, That the committee on the judiciary be requested to inquire into the necessity of so amending the present *capias* law as to grant a *capias ad respondendum* to any person upon his making oath that the person against whom he is desirous of obtaining such writ is about to leave the county, taking with him property subject to execution, for the purpose of defrauding his creditors.

Which was adopted.

Mr. Marsh offered the following resolution:

Resolved, That the committee appointed to take under consideration the proposed amendments to the funded debt bill have liberty to employ a clerk, if they find it necessary.

Which was adopted.

Mr. Morgan offered the following resolution:

Resolved, That the Senate will, the House concurring therein, proceed on Saturday next, at half past ten o'clock, A. M., to the election of a State Printer, in conformity with the existing laws now in force on that subject.

Mr. Edmonston moved to lay said resolution on the table; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Jackson, Marsh, Miller, Milligan, Milliken, Parks, Rockhill, Stewart, Stockwell, Taber, and Waters—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Logan, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, and Zenor—24.

The President giving the casting vote therefor, Said resolution was laid on the table.

Mr. Clements offered the following resolution:

WHEREAS, A majority of this Senate have voted to adjourn *sine die* on the eighteenth of January, thereby leaving but little time to attend to the important business of the State yet before us: Therefore,

Resolved, That the Senate will not hereafter entertain any report, joint resolution, or any other measure in relation to national measures, such measures belonging to Congress, and calculated by their introduction into this Senate to create discord and prevent legitimate legislation.

Mr. Hamrick moved to amend by inserting the word "new" after the word "any."

Which amendment was not adopted.

Mr. Allison moved to amend said resolution as follows:

"That on such reports, resolutions, &c., no speeches shall be made longer than five minutes."

Which amendment was not adopted.

Mr. Coffin moved to lay said resolution on the table; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Monroe, Chenowith, Coats, Coffin, Davis, Day, Ellis, Goodenow, Hardin, Henry, Holloway, Howell, Jackson, Marsh, Milligan, Morgan, Montgomery, Osborn, Read, Robinson, Rockhill, Simpson, Stockwell, Taber, and Winchell—27.

Those who voted in the negative are,

Messrs. Beard, Bowers, Bradbury, Clements, Conner, Cuppy, Edmonston, English, Green, Hamer, Hamrick, Handy, Logan, Milliken, Murphey, Orth, Parks, Stewart, Verbriek, Waters, and Zenor—21.

So said resolution was laid on the table.

Mr. Stockwell introduced,

No. 154. A joint resolution on the subject of improving the mail communication between the Wabash Valley and New Orleans;

Which was read a first time; and,

On motion by Mr. Stockwell,

The rules were suspended, and the joint resolution read a second and third times, and passed.

Mr. Edmonston introduced,

No. 155. A bill for the relief of the prosecuting attorney of the 4th judicial circuit;

Which was read a first time.

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a second time, and referred to the committee on claims.

Mr. Parks introduced,

No. 156. A bill to repeal an act entitled "An act to incorporate the Morgan county seminary," approved February 7, 1838;

Which was read a first time and ordered to a second reading.

Mr. Osborn introduced,

No. 157. A bill to repeal an act more effectually to enable supervisors to open and keep in repair roads and highways;

Which was read a first time and ordered to a second reading.

Mr. Goodenow introduced,

No. 158. A bill relating to a settlement made by the agent of State with Leonard, Woodburn, and others;

Which was read a first time.

On motion by Mr. Goodenow,

The rules were suspended, and the bill read a second time, and referred to the committee on claims.

Leave being granted,

Mr. Winchell presented the petition of sundry citizens of Delaware county in relation to increasing the pay of the auditor of said county;

Which was referred to a select committee of Messrs. Winchell, Marsh, and Bradbury.

Mr. Montgomery introduced,

No. 159. A bill to amend the 8th section of an act regulating the fees and salaries of the several officers and persons therein named;

Which was read a first time and ordered to a second reading.

Mr. Conner introduced,

No. 160. A bill to change the name of the town of Canton, in Tipton county;

Which was read a first time and ordered to a second reading.

Mr. Handy introduced,

No. 161. A bill to increase the common school fund;

Which was read a first time and ordered to a second reading.

Mr. Montgomery introduced,

No. 162. A bill to amend the 8th article of the 47th chapter of the Revised Code of 1843;

Which was read a first time.

On motion by Mr. Montgomery,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 7. An act in relation to county roads;

No. 15. An act to amend an act entitled "An act fixing the time of holding the courts in the 9th judicial circuit," approved January 19, 1846;

No. 96. An act for the improvement of the breed of horses and mules in the counties of Blackford and Kosciusko;

No. 103. An act to repeal an act entitled "An act for the protection of wild fruit growing on the public land in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko," approved January 13, 1844, so far as relates to the county of Pulaski;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills thereof:

No. 23. An act relative to a certain school district in Hendricks county;

No. 27. An act for the better regulation of the board doing county business in the county of Warrick;

No. 56. An act to repeal an act entitled "An act for the relief of the people of Noble, Lagrange, Steuben, and De Kalb counties," approved January 31, 1843;

No. 71. An act to vacate certain streets and alleys in the town of Orleans, Orange county;

No. 134. An act for the relief of certain persons therein named;

No. 153. An act to provide for the completion of the State Prison, and for other purposes;

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate, with three amendments:

No. 13. A bill to repeal certain special laws in force in the 11th judicial circuit;

In which the concurrence of the Senate is requested.

The House of Representatives have also passed a joint resolution of the Senate entitled,

No. 86. A joint resolution on the subject of postage;

Without amendment.

The House of Representatives have concurred in the amendments of the Senate to the engrossed bills of the House, entitled as follows:

No. 68. An act to authorize the board doing county business in

the county of Orange, to appoint an appraiser of real estate subject to taxation at their March term, in 1847;

No. 78. An act to amend an act entitled "An act to extend the term of the board doing county business in the county of Tippecanoe," approved January 14, 1846;

No. 28. An act to repeal a certain law therein named;

The House have concurred in the amendment of the Senate to the amendment made by the House to a joint resolution of the Senate of the following title:

No. 28. A joint resolution to the Congress of the United States on the subject of increasing the monthly pay, and making a donation of land to the volunteers in the Mexican war.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate:

No. 4. An act to revive an act entitled "An act to locate a State road from Point Commerce, in Greene county, to the feeder dam on Eel river, in Clay county," approved January 20th, 1846;

No. 6. An act to change the time of holding the circuit court in the county of Wells, and for other purposes;

No. 11. An act to legalize the adjournment of the Decatur circuit court, at the fall term, 1846:

No. 14. An act authorizing the auditor of Henry county to sell a certain tract of land therein named;

No. 15. An act to change the time of holding probate courts at the August term, in Green county;

No. 16. An act for the relief of Victor A. Pepin of Floyd county;

No. 17. An act to amend an act entitled "An act to authorize the sale of school lands in township two south, of range one west, in the county of Crawford," approved December 31, 1845;

No. 18. An act to repeal so much of a joint resolution establishing the per diem allowances of the probate judges of Tippecanoe and Greene counties, approved January 19, 1846, as relates to the county of Greene;

No. 31. An act providing for a special term of the Madison circuit court.

The following messages from the House of Representatives were then severally taken up and acted on:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 18. An act to incorporate the town of Mount Vernon;

No. 36. An act authorizing the election of county surveyors;

No. 40. An act to legalize the acts of masters in chancery in the county of Huntington;

No. 66. An act to reduce the expenses of Floyd county;

No. 67. An act fixing the time for the report of the trustees of the Indiana asylum for educating the deaf and dumb;

No. 76. An act defining the width of roads in the counties of Clinton and Tipton;

No. 86. An act to extend the benefit of a certain act therein named to the counties of Clinton and Carroll;

No. 94. An act making an appropriation for the arrest of Silas Doty, a fugitive from justice;

No. 95. An act to incorporate the Delphi Manufacturing Company;

No. 98. An act making an appropriation to pay J. R. Morlridge, a contractor on the Madison and Indianapolis railroad;

No. 99. An act to amend and extend the provisions of the 18th, 19th, and 20th sections of the 41st chapter of the Revised Code of 1843, in relation to the proceedings in domestic and foreign attachment;

No. 106. An act to amend the charter of the Hagerstown Canal Company, and to legalize their acts;

No. 109. An act defining the duties of county treasurers;

No. 118. An act amendatory to an act for the relief of Delaware and Grant counties, approved January 13, 1846;

No. 119. An act to amend an act entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;

No. 121. An act authorizing the sale of section 16, in township No. 27 north, range 7 east;

No. 122. An act authorizing the State Bank of Indiana to lay off, plat and record in out lots certain lands adjoining and lying near to the town of South Bend, St. Joseph county;

No. 123. An act to repeal the third section of an act entitled "An act to provide for the re-appraisal of real estate heretofore appraised and subject to taxation," and for other purposes;

No. 128. An act to regulate the mode of doing county business in the county of Harrison;

No. 130. An act granting to probate judges in this State the right of taking acknowledgments of deeds and other instruments of writing, and for other purposes;

No. 131. An act authorizing the Secretary of State to make a deed in a certain case;

No. 135. An act authorizing the collection of certain taxes therein named;

No. 136. An act exempting improvements on real estate from taxation in the counties of Kosciusko and Miami;

No. 137. An act to authorize clerks of the circuit courts to administer oaths in certain cases;

No. 138. An act to locate a State road in Randolph and Wayne counties;

No. 139. An act to establish a State road in the county of Dearborn;

No. 141. An act in relation to roads and highways in Putnam county;

No. 143. An act for the improvement of highways in Bartholomew county;

Also, joint resolution,

No. 132. A joint resolution in relation to pre-emptors on the Miami national reservation, in the State of Indiana;

In which the concurrence of the Senate is respectfully requested.

No 98, in said message, was read a first and second times, the rules being suspended, and referred to the committee on claims.

No. 132 was read a first, second, and third times, the rules being suspended, and passed.

No. 143 was read a first, second, and third times, the rules being suspended, and passed.

No. 141 was,

On motion by Mr. Hamrick,

Referred to a select committee of Messrs. Hamrick, Morgan, and Beard.

No. 139 was,

On motion by Mr. Milliken,

Referred to a select committee of Messrs. Milliken, Verbrike, and Henry.

No. 106. A bill (of the House) to amend the charter of the Hagerstown canal company, and to legalize their acts;

Which was read a first time, and ordered to a second reading.

No. 99. A bill to amend and extend the provisions of the 18th, 19th, and 20th sections of the 41st chapter of the Revised Code of 1843, in relation to proceedings in domestic and foreign attachments;

Which was read a first time.

On motion by Mr. Morgan,

The rules were suspended, and the bill read a second time, and referred to the judiciary committee.

No. 95. A bill (of the House) to incorporate the Delphi manufacturing company;

Which was read a first time, and ordered to a second reading.

No. 94. A bill (of the House) making an appropriation for the arrest of Silas Doty, a fugitive from justice;

Which was read a first time, and ordered to a second reading.

No. 86. A bill (of the House) to extend the benefit of a certain act therein named to the counties of Clinton and Carroll;

Which was read a first time, and ordered to a second reading.

No. 76. A bill (of the House) defining the width of roads in the counties of Clinton and Tipton;

Which was read a first time, and ordered to a second reading.

No. 67. A bill (of the House) fixing the time for the report of the trustees of the Indiana Asylum for the education of the deaf and dumb;

Which was read a first time, and ordered to a second reading.

No. 66. A bill (of the House) to reduce the expenses of Floyd county;

Which was read a first time, and ordered to a second reading.

No. 40. A bill (of the House) to legalize the acts of masters in chancery in the county of Huntington;

Which was read a first time, and ordered to a second reading.

No. 36. A bill (of the House) authorizing the election of county surveyors;

Which was read a first time, and ordered to a second reading.

No. 18. A bill to incorporate the town of Mount Vernon;

Which was read a first time.

On motion by Mr. Stockwell,

The rules were suspended, and the bill read a second time, and referred to the committee on corporations.

Mr. Osborn gave notice that he would propose to amend the rules, so as to take up the orders of the day every day at two o'clock, P. M.

No. 61. A bill (of the House) to extend the time of receiving work on road tax in the counties therein named;

Which was read a first time, and ordered to a second reading.

No. 62. A bill (of the House) to amend an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1842;

Which was read a first time, and ordered to a second reading.

No. 75. A bill (of the House) entitled "An act declaring a part of Salt creek a public highway," approved February 13th, 1840;

Which was read a first time, and ordered to a second reading.

No. 79. A bill (of the House) to amend an act entitled "An act to modify the thirtieth section, chapter sixteen, of the Revised Statutes," approved January 19th, 1846;

Which was read a first time, and ordered to a second reading.

No. 90. A bill (of the House) in relation to the service of subpoenas in chancery;

Which was read a first time, and ordered to a second reading.

No. 102. A bill (of the House) forming all that portion of township one north, of range ten west, which lies south of White river, in Gibson county, into a congressional township for school purposes;

Which was read a first time; and,

The rules being suspended,

On motion by Mr. Ellis,

The bill was read a second time, and referred to a select committee consisting of Messrs. Ellis, Goodenow, Edmonston, and Davis.

No. 108. A bill (of the House) in relation to proof of notice of publication;

Which was read a first time, and ordered to a second reading.

No. 111. A bill (of the House) to vacate certain alleys in the town of Bloomington;

Which was read a first time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a second time, and referred to a select committee composed of Messrs. Berry of Monroe, Murphey and Parks.

The following bills were severally read a first time, and ordered to a second reading:

No. 113, No. 114, No. 129, No. 103, No. 15, No. 231, No. 234, and No. 168.

No. 139, in said message, was read a first time.

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Milliken, Verbrike, and Henry.

The following bills were severally read a first time, and ordered to a second reading:

Nos. 138, 137, 136, 130, 131, 135, 123, and 121.

Bills Nos. 128, 119, and 122, were severally read a first, second, and third times and passed, the rules being suspended therefor.

No. 118.

Which was read a first time, and ordered to a second reading.

No. 109.

Which was read a first time.

On motion by Mr. Milliken,

The rules were suspended, and the bill read a second time, and referred to the committee on finance.

No. 115.

Which was read a first time.

On motion by Mr. Winchell,

The rules were suspended, and the bill read a second time, and referred to a select committee consisting of Messrs. Winchell, Taber, and Rockhill.

No. 96.

Which was read a first time; and,

On motion by Mr. Cuppy,

The rules were suspended, and the bill read a second time, and referred to a select committee composed of Messrs. Cuppy, Bradbury, and Milligan.

No. 7.

Which was read a first time.

On motion by Mr. Hamrick,

The rules were suspended, and the bill read a second time, and referred to the committee on roads.

No. 127. A bill (of the Senate),

Which was read a third time.

The ayes and noes being demanded by two Senators, upon its passage,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Cuppy, Davis, Day, Ellis, English, Goodenow, Green, Henry, Holloway, Howell, Jackson, Marsh, Miller, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Rockhill, Stewart, Simpson, Stockwell, Taber, Verbrike, Waters, Winchell, and Zenor—41.

Those who voted in the negative are,

Messrs. Edmonston, Hamer, Hamrick, Handy, Hardin, Logan, Milligan, Read, and Robinson—10.

So said bill passed.

On motion,

The Senate adjourned.

FRIDAY MORNING, JANUARY 1, 1847.

The Senate assembled.

The journal of the preceding day was read.

Mr. Miller presented the petition of sundry citizens of Harrison county, for additional territory to be taken from Harrison county and attached to Crawford county;

Which was referred to a select committee of Messrs. Miller, Zenor, and Logan.

Mr. Coats presented the petition of sundry citizens of Fountain county, relative to the formation of a new county; which,

On motion by Mr. Coats,

Was referred to the committee on the judiciary,

Mr. Handy gave notice that he should on to-morrow move to amend the 51st standing rule of the Senate,

Mr. Milliken presented the remonstrance of sundry voters of Dearborn county against the attaching of certain territory to Ohio county;

On motion by Mr. Milliken,

The petition was laid upon the table.

Mr. Miller presented the petition of James Dayhuff, of Orange county, praying relief: which,

On motion by Mr. Miller,

Was referred to a select committee of Messrs. Miller, Berry of Franklin, and Morgan.

Mr. Rockhill, chairman of the committee on elections, made the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred the papers relating to the contest of the election of the Hon. Dixon Milligan to a seat in this Senate as a Senator from the counties of Randolph, Blackford, and Jay, have had that subject under consideration, and have directed me to make the following report:

From an examination of the Statute we find that if any person wishes to contest the election of a member of the General Assembly, he must, within ten days after such election, file with the clerk of the circuit court of the county in which the alleged cause or causes of contest originated, a concise statement of the grounds on which he intends to rely in contesting such election, verified by affidavit.

This has not been complied with according to the above requisition. The statement was not filed in this case until the twentieth day of August, 1846, which was seventeen days after the election. This defect in the institution of the contest, in the opinion of the committee, renders all the subsequent proceedings connected with the contest void.

Your committee, however, beg leave to report that they have read the depositions on file in this case, and after a careful examination of their contents, express the opinion that the contestor has entirely failed to establish any fact which would go to justify the belief that Dixon Milligan is not entitled to his seat as a member of this Senate during the term for which he was elected.

The committee therefore report the following resolution, and ask that it may be adopted:

Resolved, That Dixon Milligan is the duly and legally elected Senator from the Senatorial district composed of the counties of Randolph, Blackford, and Jay, and he is entitled to serve as such for the term of three years from and after the first Monday of August last past.

Which report was concurred in, and the resolution adopted.

Mr. Parks, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a bill of the Senate for the relief of Anthony Haskett, have, according to order,

had the same under consideration, and a majority have instructed me to report the bill back to the Senate without amendment, and recommend its passage.

Said bill was ordered to be engrossed for a third reading.

Mr. Parks, from the committee on federal relations, made the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred joint resolutions of the Senate Nos. 80, 117, and 120, with sundry amendments on the subject of the improvement of harbors on the lakes, the navigation of the Mississippi and Ohio rivers, and the completion of the Cumberland road, have, according to order, had the same under consideration, and a majority have instructed me to report the following amendment, and when adopted, recommend its passage.

Amend by inserting the following preamble:

And amend further, by striking out the joint resolution from the resolving clause, and insert the following:

No. 120. A joint resolution on the subject of the improvement of harbors and rivers.

Mr. Osborn moved to concur in the report of the committee with the following amendment:

Amend the preamble as follows:

"AND WHEREAS, In the opinion of this General Assembly, the improvements specified in the following resolution, are works of great national importance and demand the immediate attention of Congress."

Mr. Logan called for a division of the question.

The question then recurring upon concurring in the report of the committee and the adoption of their amendment.

It was decided in the affirmative.

The question recurring upon the adoption of the amendment proposed by Mr. Osborn;

And the ayes and noes being demanded by Messrs. Edmonston and Hardin,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Green, Hamer, Hamrick, Holloway, Marsh, Milligan, Morgan, Montgomery, Murphey, Osborn, Robinson, Simpson, Taber, Verbrike, Winchell, and Zenor—26.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Handy, Hardin, Henry, Howell, Jackson, Logan, Miller, Parks, Read, Rockhill, Stewart, Stockwell, and Waters—21.

So said amendment was adopted.

Mr. Edmonston then moved to amend the joint resolution as follows:

Strike out after the words "foreign nations," the word "or," and insert the word "and."

And the ayes and noes being demanded thereon by Messrs. Hardin and Edmonston,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Montgomery, Parks, Read, Rockhill, Stewart, Stockwell, Taber, Waters, and Zenor—27.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Milliken, Morgan, Murphey, Osborn, Robinson, Simpson, Verbriek, and Winchell—21.

So said amendment was adopted.

Mr. Ellis then proposed to amend the joint resolution as follows:

Amend by inserting after the words, "The Ohio and Mississippi," the words "and Wabash," and strike out "and" after "Ohio."

Mr. Berry of Franklin moved to amend the amendment, as follows:

Provided, That the company incorporated under the title of "The Wabash Navigation Company," shall have surrendered its charter before any appropriation shall be expended upon that part of the river contemplated to be under the control of said company.

Mr. Handy moved to lay the amendments on the table.

Mr. Ellis called for a division of the question.

The question then recurring upon laying the amendment of Mr. Ellis upon the table,

And the ayes and noes being demanded thereon by Messrs. Ellis and Clements,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Stewart, Stockwell, and Waters—22.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Osborn, Robinson, Rockhill, Simpson, Verbriek, Winchell, and Zenor—24.

So the amendment was not laid upon the table.

Mr. Handy then withdrew his motion to lay Mr. Berry of Franklin's amendment upon the table.

Mr. Hamrick renewed the motion.

The ayes and noes being demanded thereon by Messrs. Hamrick and Handy,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—23.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—26.

So the amendment was not laid upon the table.

The question then recurring upon the adoption of the amendment of Mr. Berry of Franklin,

It was decided in the affirmative.

Mr. Stewart moved to amend the amendment of Mr. Ellis, as follows:

Amend by inserting the words "White river," after the word "Wabash," and strike out "and" after "Wabash."

Mr. Berry of Monroe moved to lay the amendments upon the table.

Mr. Ellis called for a division of the question.

The question recurring upon laying the amendment of Mr. Ellis as amended by Mr. Berry of Franklin upon the table,

The ayes and noes were demanded by Messrs. Davis and Ellis; and,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Parks, Read, Stewart, Stockwell, and Waters—22.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Henry, Holloway, Montgomery, Murphey, Osborn, Robinson, Rockhill, Simpson, Taber, Winchell, and Zenor—25.

So said amendments were not laid upon the table.

The question recurring upon laying the amendment of Mr. Stewart upon the table,

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Bowers, Bradbury, Coats, Ellis, English, Hamer, Henry, Logan, Milliken, Morgan, Osborn, Robinson, Taber, Verbriek, and Winchell—16.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coffin, Davis, Day, Edmonston, Green, Hamrick, Handy, Hardin, Holloway, Howell, Jackson, Marsh, Miller, Milligan, Murphey, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Waters, and Zenor—29.

So the amendment was not laid upon the table.

The question then recurring upon the adoption of Mr. Stewart's amendment,

The ayes and noes were demanded by two Senators; and,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Monroe, Bradbury, Chenowith, Clements, Coffin, Davis, Edmonston, English, Green, Hamrick, Handy, Hardin, Holloway, Howell, Jackson, Miller, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Waters, and Zenor—26.

Those who voted in the negative are,

Messrs. Coats, Day, Ellis, Goodenow, Hamer, Henry, Logan, Marsh, Milligan, Milliken, Morgan, Montgomery, Murphey, Osborn, Robinson, Taber, Verbriek, and Winchell—18.

So the amendment was adopted.

Mr. Green moved to lay the pending amendments on the table; And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Berry of Monroe, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Osborn, Parks, Read, Rockhill, Stockwell, Taber, and Verbriek—23.

Those who voted in the negative are,

Messrs. Allison, Barbour, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Robinson, Simpson, Stewart, Waters, Winchell, and Zenor—23.

The President giving the casting vote in the affirmative,

The amendments were laid on the table.

Mr. Ellis then moved that said joint resolution be indefinitely postponed.

Mr. Osborn moved that there be a call of the Senate, Which was not ordered.

Mr. Montgomery moved to lay the joint resolution upon the table.

Mr. Osborn moved that the Senate do now adjourn;

And the ayes and noes being demanded thereon by Messrs. Osborn and Holloway,

Those who voted in the affirmative are,

Messrs. Beard, Bowers, Clements, Coffin, Davis, Goodenow, Hamer, Hardin, Howell, Marsh, Milligan, Morgan, Murphey, Osborn, Rockhill, Taber, Verbriek, Winchell, and Zenor—18.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Bradbury, Coats, Cuppy, Day, Edmonston, Ellis, English, Green, Hamrick, Handy, Henry, Holloway, Jackson, Logan, Miller, Milliken, Montgomery, Parks, Read, Robinson, Simpson, Stewart, Stockwell, and Waters—28.

So the Senate refused to adjourn.

The question then recurring upon the motion of Mr. Montgomery to lay said joint resolution upon the table,
The ayes and noes were demanded by two Senators; and,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamrick, Milliken, Morgan, Montgomery, Murphey, Robinson, Verbriek, Winchell, and Zenor—18.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Bradbury, Coats, Cuppy, Day, Edmonston, English, Green, Hamer, Handy, Hardin, Henry, Holloway, Howell, Jackson, Logan, Marsh, Miller, Milligan, Osborn, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Taber, and Waters—30.

So the joint resolution was not laid upon the table.

The question then recurring upon the indefinite postponement of the joint resolution; and,

The ayes and noes being demanded by Messrs. Parks and Waters,

Those who voted in the affirmative are,

Messrs. Barbour, Coffin, Ellis, Logan, Miller, Milliken, and Verbriek—8.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Bradbury, Clements, Coats, Cuppy, Davis, Day, Edmonston, English, Goodenow, Green, Hamer, Hamrick, Handy, Hardin, Henry, Holloway, Howell, Jackson, Marsh, Milligan, Morgan, Montgomery, Murphey, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Taber, Waters, Winchell, and Zenor—39.

So the joint resolution was not indefinitely postponed.

Mr. Stewart moved the previous question;

Which was seconded by the Senate.

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The main question being,

"Shall the joint resolution, as amended, be ordered to be engrossed for a third reading?" and,

The ayes and noes being demanded thereon by Messrs. Osborn and Stewart,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Bradbury, Chenowith, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbriek, Waters, Winchell, and Zenor—33.

Those who voted in the negative are,

Messrs. Allison, Barbour, Bowers, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Milliken, Morgan, Montgomery, and Murphey—15.

So the joint resolution, as amended, was ordered to be engrossed for a third reading.

Leave being granted,

Mr. Holloway offered the following resolution:

WHEREAS, It has been announced by the principal of the Institution of the State for the Deaf and Dumb, that an exhibition of the pupils of that institute will be had in the Hall of the House of Representatives, this afternoon at two o'clock: Therefore,

Be it resolved, That when the Senate adjourns, it will adjourn to meet again on to-morrow at 9 o'clock.

Which was adopted.

[The following message was received from the Governor:]

To the House of Representatives:

GENTLEMEN—I herewith return the bill which originated in the House, at the present session of the General Assembly, entitled "An act to provide for the completion of the State Prison, and for other purposes," No. 153, with my objections, showing why I have felt constrained, through a sense of public duty, and a regard to the interests of the State to withhold my approval of the same.

The first section of the bill authorizes the commissioner now engaged in making estimates of the work done by the late contractor upon the new State Prison, preparatory to a final settlement of the claims and controversies thence arising; to proceed and make further estimates of the prices of constructing a keeper's and warden's house, according to a plan formally proposed, and of those parts of the buildings of said prison, which are unfinished; and also, to ascertain, from examination, what buildings and work-shops are necessary to be erected to make said prison complete, and make estimates of the prices of constructing the same.

The second section authorizes the Governor, on the part of the State, to make a contract with Samuel H. Patterson, the present lessee of the prison, for the erection and completion of the build-

ings above referred to, upon the terms as well as the prices agreed on by the commissioners, or a majority of them.

The former contracts, and the modifications thereunder arising, have already contemplated a plan for the construction of said buildings, as may be seen (with perhaps the exception of the keeper's and warden's dwelling) by reference to the appropriate communications heretofore made to the General Assembly, and published in the documentary journals for 1844-'5 and 1845-'6. Without, by any means, insisting that this plan and its modifications are unsusceptible of improvement, it is respectfully submitted that it would be the safe course that the plan authorized by this bill to be made by the present commissioner, however advisable it is hoped it will be found to be, should be submitted to the General Assembly for final approval, before the close of the present session.

Again, the contract to be made by the Governor, must conform to both the terms and the prices fixed by the commissioners, and must be made with the present lessee. This renders the contract a mere matter of form, as to these essential particulars. It must thus be made, although better terms and prices for the State should be offered from another, even the most respectable quarter. It is submitted that the requisite authority should be given to obviate this difficulty; especially as the control of the convict labor will enable the present lessee to enter into competition with others, with superior advantages.

Again, the supervisor of the work on the part of the State, who, by the third section of the bill, is to be elected by the General Assembly, is empowered by the fourth section, not only to see that the work is done in accordance with the terms of contract, but he is thereby further authorized to give his directions in the performance of the contract by which the lessee should be governed. This power, it will be seen on reflection, would enable the supervisor virtually to change the contract itself, according as his individual and irresponsible construction of the same may happen to be. This might operate to the injury of the lessee, or of the State, or of both, to say nothing of the effect it might have upon the liability of the sureties, should the Legislature authorize sureties to be taken.

The duty of the late superintendent appointed by the present Executive was limited to a strict observance of the quality and progress of the work to its conformity with the contract and to such directions as from time to time might be given as authorized by the contract itself, and merely to notify the contractor in case of a deviation that such deviation, so far as it might extend, would not be accepted or recognized by the State as a performance of the contract, leaving the contractor still with the power to continue the work according to his own constructions of the contract, but at the same time at his own risk. It is hoped that this objection will not be regarded as trivial, when it is considered that an agent who was a practical mechanic, and an architect, and who was sent to the

place of building to examine and give his opinion as to a difference of judgment touching the construction of the contract that had arisen between the superintendent and the contractor, decided that not to be a substantial deviation, which if suffered, would in the judgment of divers persons of admitted skill and practical experience, have resulted to the injury of the State, and to the pecuniary benefit of the contractor. This is mentioned simply as an illustration of the evils that may flow from the provision in the question should the bill become a law, and not as impugning the motives of the agent referred to. Laws should be framed and grounded with an eye to their possible infraction; and this is the more especially necessary where power is conferred without check, appeal, or supervision; and particularly as in the present case, when the pecuniary interests involved are large, and bear directly upon the treasury of the State.

It is also submitted whether the lessee should not be required to give sureties for the performance of the contract by the time, and in the manner therein to be specified. Measures should especially be taken to insure its completion at the earliest practicable period. This is called for by humanity, by sound policy, and by the plainest principles of economy. The work protracted from year to year might otherwise constitute a standing excuse for application to the Legislature for modifications, for relief from supposed hardships, and for further appropriations. In this way it would endanger the frittering away of the annual rent due from the lessee, of which there have heretofore been but too many examples. By reference to the act of last session, to provide for leasing the State Prison, it will be seen that the sureties therein required of the lessee should not be bound for the performance of the contract contemplated by this bill.

A retrospect of our State Prison system from its commencement affords but little cause for congratulation in a financial point of view, while individuals have been swallowed up in supposed improvements which after all have been necessarily abandoned as inadequate to the object of their construction. It is difficult to comprehend how it is that the constant labor of so many men as have been employed in our State Prison, and during so many years, has not yet been found sufficient for the construction of a shelter and a place of security suitable to their wretched condition, and this fact it is conceived affords abundant proof that something in the system, and its management is radically wrong.

And now when about to commence a new system, it is very important that profiting alike by past experience, a careful foresight, and a thorough deliberation, our action should be so shaped that we may not hereafter have occasion for lasting regret, and when it will be too late for a remedy.

These are some of the objections which have presented themselves to my mind against the bill in question, and which are hastily and briefly thrown together in a press of public business. I present

them with the less reluctance, because, should the Legislature on further consideration, still desire to pass the bill, it can be done under our Constitution by a bare majority of all the members elected, notwithstanding may dissent.

JAMES WHITCOMB.

December 31st, 1846.

SATURDAY MORNING, JANUARY 2, 1847.

The Senate assembled.

The journal of the preceding day was read.

Mr. Goodenow presented the petition of Thomas J. Goodman, praying for the passage of a law allowing him to lay certain water pipes under the Madison and Indianapolis railway; which,

On motion by Mr. Goodenow,

Was referred to a select committee of Messrs. Goodenow, Barbour, and Read.

Mr. Zenor presented two remonstrances of sundry citizens of Harrison county against attaching a portion of Harrison county to the county of Crawford; which,

On motion by Mr. Zenor,

Was referred to the select committee having that subject under consideration.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills thereof:

No. 6. An act to repeal an act, entitled "An act to authorize the people of Fayette and other counties therein named, to elect their seminary trustees," approved January 15, 1846.

No. 28. An act to repeal a certain law therein named.

No. 44. An act to vacate a part of the town of Blairsville, in Posey county, Indiana.

No. 78. An act, entitled "An act to amend an act to extend the terms of the board doing county business in the county of Tippecanoe," approved January 14, 1846.

No. 97. An act to legalize certain acts of the board of commissioners of Clinton county, and for other purposes.

Which I am directed to bring to the Senate for the signature of the President thereof.

Which bills were signed by the President of the Senate.

I am directed by the House of Representatives to inform the Senate, that the House have concurred in the engrossed amendments of the Senate to the following engrossed bills of the House:

No. 35. An act to incorporate the Clifty Band of Musicians in Decatur county, and the Mooresville Musical Institute of Dearborn county.

No. 65. A bill to amend article one of chapter forty-two of the Revised Statutes, on the subject of the liens of mechanics and others on buildings.

No. 92. An act to amend the first section of an act, entitled "An act prescribing the mode of selecting petit jurors in Sullivan county," approved January 6, 1846.

Mr. Osborn asked and obtained leave to withdraw from the files of the Senate, certain petitions in relation to the granting of licenses for retailing spirituous liquors in Laporte county.

Mr. Stewart presented an account of D. V. Culley for certain services rendered at the request of His Excellency, the Governor.

On motion by Mr. Stewart,

The account was referred to the committee on claims.

Mr. Robinson, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred bill of the Senate No. 67, on the subject of compelling incorporated canal and railroad companies to make and keep in good repair sufficient bridges, together with the necessary embankments, to the safe and convenient travel of any State or county road over any such canal or railroad, have, according to order, had the same under consideration, and as they are not apprised of the necessity of any legislation on that subject, they have directed me to report said bill back to the Senate, and recommend that it be indefinitely postponed.

On concurring in the report,

The ayes and noes were demanded by Messrs. Berry of Franklin and Edmonston;

Those who voted in the affirmative are,

Messrs. Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Good-

enow, Hamer; Holloway, Morgan Murphey, Orth, Robinson, Simpson, Winchell, and Zenor—16.

Those who voted in the negative are;

Messrs. Barbour, Beard, Berry of Franklin, Berry of Monroe, Bowers, Coats, Cuppy, Day, Ellis, Goodenow, Hamer, Henry, Howell, Logan, Marsh, Miller, Milligan, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Verbriek—30.

So the report was not concurred in.

Mr. Holloway moved to amend the bill as follows:

Provided, That the provisions of this act shall not be construed to interfere with the rights acquired by the charter of the White Water Valley Canal Company, nor those acquired by the charter of any other company.

Mr. Berry of Franklin moved the previous question;

Which was seconded by the Senate.

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The main question being,

"Shall the bill be engrossed for a third reading?"

The ayes and noes were demanded thereon by two Senators:

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Taber, Verbriek, and Waters—27.

Those who voted in the negative are,

Messrs. Beard, Bowers, Bradbury, Chenoweth, Conner, Davis, Ellis, Goodenow, Hamer, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Stockwell, Winchell, and Zenor—20.

So the bill was ordered to be engrossed for a third reading.

Leave being granted,

Mr. Beard presented the petition of sundry citizens of Hancock county, praying the legalizing of a certain deed of conveyance therein named; which,

On motion by Mr. Beard,

Was referred to a select committee of Messrs. Beard, Orth, and Jackson.

Mr. Hardin, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education to whom was referred several resolutions of the Senate on the subject of the school laws, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 163. A bill to amend the 5th chapter of the Revised Statutes.

Which was read a first time, and ordered to a second reading.

Leave being granted,

Mr. Coats presented the petition of Horace B. Smith, of Fountain county, praying for the passage of a law allowing him a certain compensation therein named; which,

On motion by Mr. Orth,

Was referred to the committee on the State Bank.

Mr. Clements, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of amending the school law, so as to allow county auditors to sell lands at private sale, which have been bid in for the use of the proper school fund, have had the same under consideration, and have instructed me to report the accompanying bill, and recommend its passage:

No. 164. A bill to authorize county auditors to sell lands at private sale, which have been bid in for the use of the school fund.

Which was read a first time, and ordered to a second reading.

Mr. Edmonston, chairman of the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred bill of the Senate, No. 126, have had the same under consideration, and directed me to report it back to the Senate, with an amendment which, when concurred in, they recommend its passage.

Add SEC. —. The superintendent shall, before the allowance of such claims, have evidence that shall satisfy him that the claims for money are just, and were a necessary expenditure for the State, and when so satisfied, he shall pay to the claimants the amount due, in canal scrip issued on account of canal, west of Tippecanoe river.

Which report was concurred in, and the amendment adopted:

The bill, as amended, was then ordered to be engrossed for a third reading.

Mr. Edmonston, chairman of the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred a resolution of the Senate instructing them to inquire into the expediency of selling to the highest bidder the northern division of the Central canal, have had the same under consideration, and a majority of the committee have instructed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Mr. Handy moved to recommit the resolution to the committee on canals and internal improvements, with instructions to report a bill to sell said canal;

Which motion did not prevail.

The report was then concurred in by the Senate.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the Senate, No. 47. A bill for the relief of Ellen Bigger, widow of Samuel Bigger, deceased, have had the same under their consideration, and directed me to report the same back to the Senate with the following amendment, and, on the adoption of the same, recommend its passage:

Amend by striking out of the first section the words "five hundred," and inserting in lieu thereof the words "two hundred and fifty."

Which report was concurred in, and the amendment adopted.

The bill was then read a third time and passed.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the House No. 98, entitled "An act making an appropriation to pay J. R. Morlidge, a contractor on the Madison and Indianapolis railroad," have, according to order, had the same under their consideration, and directed me to report the same back to the Senate, and recommend its passage.

Said bill was ordered to a third reading.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report that, on the second day of January, A. D., 1847, they presented to His Excellency the Governor, for his approbation and signature, bills of the House, Nos. 97, 78, 44, 28, 6, 22, 29, 25, 24, 48, 82.

Mr. Miller, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to which was referred bill of the Senate, No. 155, entitled "A bill for the relief of the prosecuting attorney of the fourth judicial circuit," have had the same under consideration, and have directed me to report the same back to the Senate, with one amendment, which when adopted, they recommend its passage.

Amend by striking out thirty-five and inserting twenty-six.

Which report was concurred in, and the amendment adopted.

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a third time and passed.

Mr. Robinson, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the Senate No. 30, for the relief of John Kistler, have, according to order, had the same under consideration, and have directed me to report to the Senate that by referring to the petition of said Kistler your committee find that said Kistler claims damage of the State on account of the location and construction of the Wabash and Erie canal on and through his land, which land was purchased of the commissioners of the Wabash and Erie canal, and formed a part and parcel of the land selected for the said canal and sold by the State for that purpose. Said Kistler, as a part of the grievances of which he complains, alleges that he has made frequent applications to the board of internal improvement for an assessment of his damages; that said board hath hitherto wholly failed and refused to have his damages assessed, and that in consequence of such failure he has suffered

great injustice, wherefore he prays the passage of some law for his relief.

Your committee find, however, by reference to an act of the General Assembly approved January the 28th, 1830, and long before the sale of said land, the State of Indiana reserved the right to enter on said land and use the same for the construction of said canal, which law was in force at the time said land was sold.

Your committee, or at least a majority of them, are of the opinion that, said land having been sold whilst said law was in force, it was ample and sufficient notice to all persons purchasing and holding said land, of the right of the State so as aforesaid reserved, and that persons purchasing and holding said land must hold the same subject to the right of the State reserved by said act, and that it was a part of the contract of sale that the State should have the right to enter on said land and use the same for the construction of said canal.

Your committee are therefore of the opinion that the board of internal improvement acted in good faith in refusing said claim, that to allow the same would do great injustice to the State and encourage other applications of the like, having no foundation in fact or justice. A majority of said committee have therefore directed me to report said bill back to the Senate and recommend that it be indefinitely postponed.

On concurring in said report,

The ayes and noes were demanded by Messrs. Taber and Cuppy; and,

Those who voted in the affirmative are,

Messrs. Berry of Monroe, Bowers, Chenowith, Clements, Coats, Coffin, Conner, Ellis, Goodenow, Hamer, Hamrick, Holloway, Logan, Milliken, Morgan, Montgomery, Murphey, Orth, Read, Robinson, Simpson, Verbribe, and Zenor—22.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Franklin, Bradbury, Cuppy, Davis, Day, Edmonston, English, Green, Hardin, Henry, Howell, Jackson, Marsh, Miller, Milligan, Osborn, Parks, Rockhill, Stockwell, Taber, Waters, and Winchell—24.

So the report was not concurred in.

The bill was then ordered to be engrossed for a third reading.

Mr. Bowers, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred certain papers purporting to be receipts for moneys expended by Joseph P. Smith, for the use of the Lake County Rangers, have, according to order, had the same under consideration, and have instructed me to report that in the opinion of the committee, neither justice or expediency demands Legislative action on that subject, and to return the papers back to the Senate, and ask that the committee be discharged from the further consideration of the same.

Pending which,

On motion,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Leave being granted,

Mr. Jackson introduced

No. 165. A bill directing the safe keeping of certain persons on a charge of felony;

Which was read a first time.

On motion by Mr. Jackson,

The rules were suspended and the bill read a second and third times and passed.

The Senate then resumed the consideration of the report of Mr. Bowers, pending at the the last adjournment.

The question being on concurring in said report,

The ayes and noes were demanded thereon by two Senators.

Those who voted in the affirmative are,

Messrs. Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Ellis, Goodenow, Hamer, Handy, Hardin, Logan, Miller, Milligan, Milliken, Morgan, Murphey, Orth, Read, Robinson, Simpson, Stewart, Verbribe, and Zenor—26.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Cuppy, Davis, Day, Edmonston, English, Green, Hamrick, Henry, Holloway, Howell, Jackson, Marsh, Montgomery, Osborn, Parks, Rockhill, Taber, Waters, and Winchell—23.

So the report was concurred in.

On motion by Mr. Osborn,

The petition and papers were re-committed to a select committee of Messrs. Osborn, Barbour, and Berry of Monroe.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate without amendment:

No. 165. A bill directing the safe keeping of certain persons on a charge of felony.

Mr. Coffin, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to which was referred bill of the Senate No. 158, in relation to a settlement made by the Agent of State with Leonard, Woodburn and others, have had the same under consideration, and have directed me to report said bill back to the Senate, and recommend its passage.

Mr. Berry of Franklin moved that said bill be indefinitely postponed.

The ayes and noes being demanded thereon by Messrs. Read and Hardin,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, Hamrick, Handy, Hardin, Henry, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Montgomery, Murphey, Parks, Read, Rockhill, Stewart, and Taber—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, English, Goodenow, Green, Hamer, Holloway, Howell, Morgan, Orth, Osborn, Robinson, Simpson, Verbribe, Waters, Winchell, and Zenor—25.

So the bill was not indefinitely postponed.

Mr. Berry of Franklin then moved to amend the bill as follows: That in discharging such debt with bonds, *provided*, they shall

pay the difference in par funds between the cash value of bonds now, and at the time they contracted the debt.

Mr. Miller moved to lay the bill and amendment on the table;

Which motion prevailed.

Mr. Handy, in pursuance of previous notice, offered the following amendment to the 51st standing rule of the Senate:

Add thereto: And no person shall be allowed to smoke within the Senate Chamber, or the lobbies thereof;

Which amendment was adopted.

Mr. Osborn, in pursuance of previous notice given, that he should move to change the rules of the Senate, offered the following resolution:

Resolved, That hereafter, during the remainder of the present session, the Senate will each day at 2 o'clock, P. M., proceed to take up the orders of the day, unless two-thirds of the Senate order otherwise;

Which was adopted.

Leave being granted,

Mr. Milliken offered the following resolution:

Resolved, That the use of the Senate Chamber be allowed tomorrow morning at 11 o'clock, to the Rev. J. Kidwell, for the purpose of holding divine service.

Mr. Logan moved to lay the resolution upon the table.

The ayes and noes being demanded thereon by Messrs. Logan and Milliken,

Those who voted in the affirmative are,

Messrs. Conner, Edmonston, Goodenow, Hardin, Jackson, Logan, Marsh, Miller, and Orth—9.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Cuppy, Davis, Day, Ellis, English, Green, Hamer, Hamrick, Handy, Henry Holloway, Howell, Milligan, Milliken, Morgan, Montgomery, Murphey, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stewart, Taber, Verbribe, Waters, Winchell, and Zenor—40.

So the resolution was not laid upon the table.

The question then recurring upon the adoption of the same.

It was decided in the affirmative.

Leave being granted,

Mr. Cuppy, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred House bill No. 96, entitled "A bill for the improvement of the breed of horses and mules in the counties of Blackford and Kosciusko," have had that subject under consideration, and although they cannot appreciate any benefit resulting to the farming community from the provisions of said bill, but in as much as the bill was originally introduced into the House of Representatives by the member from Blackford and amended by the member from Kosciusko by adding the county of Kosciusko; therefore, presuming these members to have understood the wishes of their constituents upon that subject, the committee have directed me to report said bill back for further action of the Senate.

On motion by Mr. Milligan,

The rules were suspended, and the bill read a third time and passed.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared engrossed bill of the Senate No. 165, with the enrolled, and find it correctly enrolled.

Leave being granted,

Mr. Hamer, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition and remonstrance of the citizens of Lawrence and Monroe counties for a change in the State road between Bedford and Bloomington, in said counties, have had the same under consideration, and a majority of the committee have directed me to report the following bill:

No. 166. A bill to change a certain State road named therein, in the counties of Lawrence and Monroe;

Which was read a first time, and ordered to a second reading.

Leave being granted,

Mr. Milligan, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred petition No. 7, have

had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 167. A bill to authorize the auditor and school commissioner of Jay county to sell the school section in township number twenty-four north, of range number fourteen east, in Jay county;

Which was read a first time, and ordered to a second reading.

Leave being granted,

Mr. Hamrick, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 141, entitled "An act in relation to roads and highways in Putnam county, have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

So said bill was ordered to a third reading.

Leave being granted,

Mr. Ellis, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 102, relative to a portion of congressional township in Gibson county, have instructed me to report said bill back with the following amendments, and upon their adoption, to recommend the passage of the same:

Add the following section after the third section of said bill:

"That the rights, privileges, and immunities hereby granted are extended to the white inhabitants of said township residing in Gibson county be and they are hereby granted and extended to the white inhabitants of said township residing in Knox county; and they are hereby constituted a body politic and corporate, by the name and style of "the inhabitants of congressional township No. one north, of range No. ten west, in said county of Knox."

Amend section fourth:

Strike out "copy" and "auditor" where they occur and insert "copies" and "auditors," and "counties" and after Gibson, "and Knox."

That the title be so amended as to read:—

"An act forming separate corporations for school purposes of township number one north, of range ten west, in Gibson and Knox counties."

Which report was concurred in, and the amendments adopted.

On motion by Mr. Edmonston,

The rules were suspended, and the bill, as amended, read a third time and passed.

Leave being granted,

Mr. Milliken, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 139, appointing commissioners to view and locate a State road in Dearborn county, have had the same under consideration, and have instructed me to report the bill back to the Senate with the following amendments:

First amendment:

Amend by striking out the name of "Wilson Dorman," in the first section, and insert that of "John Maston."

Second amendment:

Add to the fifth section, after the word "company," nor to prevent said commissioners from locating said road through the town of Mooreshille, if, in their opinion, the public good require the same."

Which report was concurred in, and the amendments adopted.

The bill, as amended, was ordered to a third reading.

Leave being granted,

Mr. Berry of Monroe, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Monroe county, asking an extension of time for the final payment of the purchase money on seminary lands in Monroe county, have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

No. 168. A bill for the relief of purchasers of seminary lands in Gibson and Monroe counties.

Which was read a first time and ordered to a second reading.

Leave being granted,

Mr. Barbour, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Mar-

tin Hauser, find that the general laws of the State fully meet the prayer of said petitioner, and render special legislation on the subject unnecessary. Therefore the committee instruct me to report the following resolution for adoption by the Senate.

Resolved, That Martin Hauser have leave to withdraw his petition and accompanying papers from the files of the Senate.

Which report was concurred in, and the resolution adopted.

On motion by Mr. Berry of Franklin,

No. 57. A bill (of the Senate) to create the 13th judicial circuit, and to re-organize the 3d judicial circuit,

Was taken from the table, and placed in the orders of the day.

On motion,

The Senate adjourned.

MONDAY MORNING, JANUARY 4, 1847.

The Senate assembled.

The journal of the preceding day was read.

Mr. Goodenow, chairman of the committee on unfinished business made the following report:

MR. PRESIDENT:

The committee on unfinished business have directed me to report bill No. 406, from the files of last session, for the action of the Senate.

No. 169. A bill to incorporate the Fort Wayne and Cambridge City Railroad Company;

Which was read a first time.

On motion by Mr. Goodenow,

The rules were suspended, and the bill read a second time, and referred to the committee on corporations.

Mr. Miller, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of the county of Harrison, praying that a certain portion of territory in which they reside may be attached to the county of Crawford, according to order, have had the same under consideration, and a majority of said committee have directed me to report the following bill, and respectfully recommend its passage.

No. 170. A bill to attach additional territory to the county of Crawford, and for other purposes.

Which was read a first time and ordered to a second reading.

Mr. Milliken, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of the merchants of Lawrenceburgh, praying for the enactment of a law to protect them against the Jew pedlars from Cincinnati, have had the same under consideration, and directed me to report the following bill and recommend its passage.

No. 171. A bill subjecting pedlars in Dearborn county to take out licenses for one year.

Which was read a first time and ordered to a second reading.

Mr. Winchell, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of John Sack and others, on the subject of the annual allowance of the auditor of Delaware county, have had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 172. A bill fixing an annual compensation to the auditor of Delaware county.

Which was read a first time and ordered to a second reading.

Mr. Winchell, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 115, have had the same under consideration, and have directed me to re-

port the same back with the following amendments, and on the adoption of said amendments, to recommend its passage.

After the word "location," in the 6th line of the 2d section, add, "which said boards of county commissioners shall declare said road a public highway, agreeably to the laws now in force regulating roads and highways."

2d. Strike out the word "who," and insert, "the said locating commissioners."

3d. After the word "Richardville" in same section, add, "and the other half by the county of Grant."

Which report was concurred in, and the amendments adopted.

On motion by Mr. Winchell,

The rules were suspended, and the bill, as amended, was read a third time and passed.

Mr. Miller, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred three petitions in relation to divorces, according to order, have had the same under consideration, and have directed me to report the following bills, and recommend their passage:

No. 173. A bill for the relief of Susan E. Bruner of the county of Washington;

No. 174. A bill for the relief of Melvina Noblett of the county of Orange;

No. 175. A bill for the relief of Lucinda Pinnick of the county of Orange.

Which bills were severally read a first time and ordered to a second reading.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared engrossed bills of the Senate, No. 86, and 24, with the enrolled, and find them correctly enrolled.

Mr. Green, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of A. W.

Dumont, A. R. Wells, and others, praying for the relief of Stephen G. Peabody and the heirs of James Dalmazzo, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 176. A bill for the relief of persons therein named;
Which was read a first time.

On motion by Mr. Green,

The rules were suspended, and the bill read a second time, and ordered to be engrossed for a third reading.

Leave being granted,

Mr. Berry of Franklin, chairman of the committee on corporations made the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred House bill No. 18, entitled "A bill to incorporate the town of Mount Vernon," have had that subject under consideration and directed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Stockwell,

The rules were suspended, and the bill read a third time and passed.

When resolutions of the Senate were called for, the President announced that when last in order, the resolution of Mr. Ellis in relation to certain information in regard to the Michigan City Branch of the State Bank, was pending,

On motion by Mr. Ellis,

Said resolution was laid upon the table.

Mr. Howell offered the following resolution:

WHEREAS, By legislative arrangements, the terms of the several courts in this State commence on Mondays, thereby frequently imposing upon the judges, jurors, witnesses, suitors, and members of the bar, who have to attend said courts from a distance, the necessity of not only foregoing the benefit derivable from many desirable privileges which are enjoyed by others, but of travelling on Sunday contrary to the wishes and principles of many of them, and as they believe, in violation of correct and salutary example and moral precept.

AND WHEREAS, In regulating the municipal policy of the State it should be the primary object to elevate the standard of correct morals, and accommodate as far as possible consistent with strict equality the diversified views and feelings of its citizens: therefore,

Resolved, That the judiciary committee be instructed to inquire whether the business of said courts would be materially retarded or otherwise injuriously affected by making the terms thereof com-

mence on Tuesday hereafter, and if by said committee deemed expedient, that they report a bill accordingly.

Which was adopted.

Mr. Milliken offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing the 48th and 49th sections of article 2d, and chapter 29, of the Revised Statutes.

Which was adopted.

Mr. Jackson introduced,

No. 177. A bill fixing a certain annual compensation to the auditor of Madison county;

Which was read a first time.

On motion by Mr. Jackson,

The rules were suspended, and the bill read a second time.

Mr. Murphey moved to refer the said bill to the committee on the judiciary.

Which motion did not prevail.

On motion by Mr. Jackson,

It was referred to a select committee of Messrs. Jackson, Green, and Cuppy.

Mr. Taber introduced,

No. 178. A bill to provide for ascertaining a part of the boundary line between the counties of Cass and Miami;

Which was read a first time and ordered to a second reading.

Mr. Holloway introduced,

No. 179. A bill to extend the privileges of the State library to the benevolent institutions of the State;

Which was read a first time and ordered to a second reading.

Mr. Chenowith introduced,

No. 180. A bill to incorporate the Perrysville Seminary;

Which was read a first time and ordered to a second reading.

Mr. Stockwell introduced,

No. 181. A bill for the relief of county treasurers;

Which was read a first time.

On motion by Mr. Stockwell,

The rules were suspended, and the bill read a second time, and referred to the committee on finance.

Mr. Milliken introduced,

No. 182. A bill in relation to the compensation of the treasurer of Dearborn county for receiving supervisors' receipts;

Which was read a first time and ordered to a second reading.

The following messages from the House of Representatives were then taken up:

MR. PRESIDENT:

The House of Representatives have directed me to report to the

Senate that the House have passed engrossed bills and joint resolutions thereof entitled as follows:

No. 146. An act to repeal an act entitled "An act changing the time of holding the probate courts in the county of Allen, and for other purposes," approved December 22, 1845, and for other purposes;

No. 148. An act for the relief of John McIntire, Clark M. Anthony, Joseph P. Glezen, and for other purposes;

No. 149. An act authorizing the location of a State road in the counties of Kosciusko and Marshall;

No. 150. A joint resolution relative to the duties of the superintendent of the Central Canal;

No. 151. A joint resolution in relation to the claim of Francis Vigo, late a citizen of Knox county, Indiana;

No. 154. An act to amend an act entitled "An act to incorporate the trustees of the Indiana Asbury University," approved January 10, 1837;

No. 155. An act to locate a State road from Logansport to Marion, in Grant county;

No. 156. An act in relation to the common school fund in the county of Jackson;

No. 158. An act to amend an act entitled "An act to relocate a portion of the State road leading from Greenfield, Hancock county, to Lebanon, in Boone county," approved January 15, 1846;

No. 159. An act authorizing the superintendent of the Wabash and Erie canal to settle with Gookins, Barnes, and Thomas;

No. 160. An act declaring an act therein named to be a misprint.

No. 161. An act for the safe keeping of the records of Ohio county;

No. 166. An act to locate a State road in the counties of Wells and Adams;

No. 167. An act to locate a State road in the counties of Rich-ardville and Carroll;

No. 169. An act for the improvement of the Cambridge City and Fort Wayne State road, in the county of Wells;

No. 170. An act for the better protection of religious assemblies;

No. 171. An act to relocate a portion of the State road in Carroll county;

No. 174. An act for the relief of James Kitchens of Gibson county;

No. 175. An act to locate a State road in the counties of Grant and Madison;

No. 176. A joint resolution relative to the Cumberland road;

No. 177. A joint resolution in relation to actual settlers on Congress lands;

No. 178. An act to incorporate the Logansport and Wabash Free Bridge Company;

No. 180. An act to legalize the acts of Solomon M. Semans, a

justice of the peace of White river township, in Randolph county;

No. 183. An act transferring the duties of school commissioner in Crawford county, to the county treasurer of said county;

No. 184. An act amendatory of an act entitled "An act for the relief of James S. Mayes, late school commissioner of Knox county," approved January 20, 1846;

No. 185. An act to incorporate the trustees of the Underwood burying ground;

No. 186. An act to provide for the recording of bonds and letters of guardians;

No. 187. An act to incorporate the Kosciusko Medical Society of Kosciusko county, Indiana;

No. 188. An act to change the name of Anna James to that of Anna Churchman;

No. 189. An act to authorize Gabriel Johnson to build a mill-dam across the Mississinnewa river, in Grant county;

No. 195. An act to locate a certain road therein named;

No. 196. An act to authorize Jonathan W. Elliott to use the water power at the Mount Pleasant Mills, in Noble county;

No. 197. An act to incorporate the Institute of Fine Arts, of Bowling Green, Clay county;

No. 203. An act to authorize the Johnson circuit court to hold adjourned sessions thereof;

No. 205. An act for the improvement of the river Patoka, in Gibson county;

No. 216. An act for the further relief of the volunteers of the State of Indiana.

In which bills and joint resolutions the concurrence of the Senate is respectfully requested.

The House of Representatives have also passed engrossed bill of the Senate, entitled

No. 19. An act to incorporate Anderson's Collegiate Institute, Without amendment.

The bills in said message of the following numbers, were severally read a first time, and ordered to a second reading, viz:

Nos. 146, 149, 150, 155, 156, 158, 160, 161, 166, 167, 170, 171, 174, 175, 176, 177, 178, 180, 184, 185, 186, 187, 188, 189, 195, 196, 197, 203, 205.

No. 148, in the message, was read a first time,

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a second and third times, and passed.

No. 151 was read a first time;

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second and third times, and passed.

No. 154 was read a first time;

On motion by Mr. Hamrick,

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Hamrick, Orth, and Coffin.

No. 159 was read a first time;

On motion by Mr. Chenowith,

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Chenowith, Henry, and Beard.

No. 169 was read a first time;

On motion by Mr. Holloway,

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Holloway, Bradbury, and Winchell.

No. 183 was read a first time;

On motion by Mr. Miller,

The rules were suspended, and the bill read a second and third times, and passed.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 11. An act relative to loaning school funds;

No. 63. An act to regulate the chancery practice;

No. 68. An act reducing the fees of certain officers therein named.

In which the concurrence of the Senate is respectfully requested.

No. 11, in said message, was read a first time, and ordered to a second reading.

Nos. 63 and 69 were severally read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 236. An act to vacate certain streets in the town of South Greencastle, Putnam county.

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time;

On motion by Mr. Hamrick,

The rules were suspended, and the bill read a second and third times, and passed.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 265. An act to vacate certain streets and alleys in the town of Noblesville, Hamilton county;

No. 283. An act to legalize the qualification of sheriff of Wabash county.

In which the concurrence of the Senate is respectfully requested.

Said bills were severally read a first, second, and third times, the rules being suspended, and passed.

The Senate then took up the consideration of the

ORDERS OF THE DAY.

Bills on Third reading.

No. 10. A bill (of the House) explanatory of the act therein named;

Read a third time and passed.

No. 75. A bill (of the Senate) for the relief of Anthony Haskett;

Read a third time and passed.

No. 118. A bill (of the Senate) in relation to retailing intoxicating liquors in Laporte county;

Read a third time and passed.

No. 119. A bill (of the Senate) for the relief of Louisa Sherwood;

Read a third time and passed.

No. 120. A joint resolution (of the Senate) on the subject of the improvement of harbors and rivers;

Read a third time.

Mr. Osborn moved to re-commit the joint resolution to the committee on federal relations, with the following instructions:

Strike out all after the word "whereas," where it first occurs, and insert the following:

Congress possesses the power under the constitution to make appropriations for the improvement of harbors, and for the removal of obstructions to the navigation of rivers of the United States, when they are general and not local, national and not of a State character, and serve to improve and regulate commerce with foreign nations, or among the several States: AND WHEREAS, In the opinion of this General Assembly the improvement of the harbor at Michigan City, and other harbors on the lakes, the removal of the obstructions to the navigation of the rivers Ohio and Mississippi, and the completion of the Cumberland road, are all works of great national importance, and demand the attention of Congress: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives be requested to use their exertions to procure early and liberal appropriations for the above objects, at its present session.

Mr. Berry of Franklin moved the previous question;

Which was seconded by the Senate.

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The main question being,

"Shall the joint resolution be passed?"

It was decided in the affirmative;

And the joint resolution was accordingly passed.

No. 124. A bill (of the Senate) to amend an act entitled "An act to establish a turnpike road in the county of Adams," approved January 13th, 1845;

Which was read a third time and passed.

No. 128. A bill (of the Senate) to locate a State road in Daviess, Martin, and Dubois counties;

Which was read a third time and passed.

No. 129. A bill (of the Senate) to divorce David Raleigh from his wife, Jane;

Which was read a third time; and,

On motion by Mr. Clements,

Laid upon the table.

No. 130. A bill (of the Senate) to dissolve the bonds of matrimony existing between William Kerlin and Sarah Kerlin, of Wayne county;

Which was read a third time.

On the passage of the bill,

The ayes and noes being demanded by Messrs. Orth and Stewart,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Clements, Coats, Coffin, Cuppy, Davis, Day, Edmonston, English, Handy, Hardin, Holloway, Howell, Jackson, Miller, Milligan, Milliken, Montgomery, Parks, Read, Rockhill, Simpson, Stockwell, Taber, Waters, Winchell, and Zenor—28.

Those who voted in the negative are,

Messrs. Allison, Barbour, Bowers, Bradbury, Chenowith, Conner, Ellis, Goodenow, Hamer, Hamrick, Henry, Logan, Marsh, Morgan, Murphey, Orth, Robinson, Stewart, and Verbriek—18.

So the bill was passed.

No. 98. A bill (of the House) making an appropriation to pay J. R. Morlidge, a contractor on the Madison and Indianapolis railroad;

Which was read a third time and passed.

No. 141. A bill (of the House) in relation to roads and highways in Putnam county;

Which was read a third time and passed.

No. 67. A bill (of the Senate) to compel corporations to keep up bridges where by their action they obstruct State or county roads;

Which was read a third time.

Mr. Berry of Franklin moved that there be a call of the Senate;

Which was ordered.

The Senators appearing in their seats,

On motion by Mr. Milliken,

The further call was suspended.

The question recurring upon the passage of the bill; and,

The ayes and noes being demanded by Messrs. Holloway and Morgan,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Rockhill, Stewart, Stockwell, and Taber—25.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Holloway, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, Verbriek, Waters, Winchell, and Zenor—22.

So the bill was passed.

Mr. Holloway moved to amend the title so as to read:

"An act to destroy vested rights."

On motion by Mr. Berry of Franklin,

The amendment was laid upon the table.

Mr. Rockhill moved to suspend the order of business, and take from the files,

No. 94. A bill making an appropriation for the arrest of Silas Doty, a fugitive from justice;

Which motion prevailed.

The bill was read a second time; and,

On motion by Mr. Rockhill,

Referred to the committee on claims.

No. 126. A bill (of the Senate) to authorize the Superintendent of the Wabash and Erie canal to pay such equitable claims as counties and individuals may have for surveying and locating the canal from Tippecanoe to Terre Haute;

Which was read a third time.

The ayes and noes being demanded on the passage of the bill, by Messrs. Coffin and Ellis,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of Monroe, Bradbury, Chenowith, Clements, Coats, Davis, Edmonston, English, Goodenow, Green, Hamer, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Montgomery, Orth, Parks, Rockhill, Stewart, Stockwell, Taber, Verbrike, Waters, and Zenor—34.

Those who voted in the negative are,

Messrs. Bowers, Conner, Cuppy, Day, Ellis, Hamrick, Holloway, Morgan, Murphey, Read, Robinson, and Simpson—12.

So the bill was passed.

At the request of Mr. Coffin, he was excused from voting on the passage of said bill.

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Mr. Parks moved that there be a call of the Senate;
Which was ordered;

And the absentees were sent for.

On motion by Mr. Read,

The consideration of the order of the day, Senate bill

No. 3. A bill providing for calling a convention to revise and amend the constitution of the State,

Was postponed, and made the order of the day for nine o'clock to-morrow morning.

On motion by Mr. Edmonston,

The further call of the Senate was suspended.

Leave being granted,

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the House No. 94, entitled "An act making an appropriation for the arrest of Silas Doty, a fugitive from justice," have had the same under consideration, and directed me to report the same back to the Senate with the following amendment, and on its adoption, recommend the assage of the bill:

Amend by adding the following section:

SEC. 3. That John P. Hedges be and he is hereby allowed the sum of ninety dollars and eighty-seven cents, for his time and expenses, incurred in assisting the removal of said Doty from Louisville, Kentucky, to Steuben county, in this State, to be paid out of any moneys in the treasury not otherwise appropriated.

On motion by Mr. Marsh,

The bill and amendment were laid upon the table.

Leave being granted,

Mr. Cuppy introduced,

No. 183. A bill to locate a State road in the counties of Whitley, Noble, and Kosciusko;

Which was read a first time, and ordered to a second reading.

ORDERS OF THE DAY.

No. 36. A bill (of the Senate) for the relief of John Kistler;
Which was read a third time.

On the passage of the bill,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Cuppy, Marsh, Miller, Osborn, Taber, Waters, and Winchell—9.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Day, Edmonston, Ellis, English, Goodenow, Green, Hamer, Hamrick, Handy, Hardin, Henry, Holloway, Howell, Jackson, Logan, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Parks, Read, Robinson, Simpson, Stewart, Stockwell, Verbrike, and Zenor—40.

So the bill was not passed.

No. 139. A bill (of the House) to establish a State road in the county of Dearborn;

Read a third time and passed.

No. 57. A bill (of the Senate) to create the thirteenth judicial circuit and to re-organize the third judicial circuit;

Read a third time.

Mr. Berry of Franklin moved to re-commit the bill to a select committee with instructions to add after the word "Dearborn," in the fourth section, "and in all the other counties in this circuit."

Which motion did not prevail.

On motion by Mr. Green,

The bill was then laid upon the table.

BILLS ON SECOND READING.

No. 13. A bill (of the Senate) to repeal certain laws in force in the eleventh judicial circuit;

On motion by Mr. Winchell,

The bill and the amendments of the House thereto, were laid upon the table.

No. 15. A bill (of the House) to amend an act entitled "An act fixing the time of holding the courts in the 9th judicial circuit;"

Read a second time, and,

On motion by Mr. Osborn,

Referred to a select committee of Messrs. Osborn, Holloway, Murphey, Day, and Cuppy;

No. 36. A bill (of the House) authorizing the election of county surveyors;

Read a second time.

Mr. Verbrike proposed the following amendment to the bill:

"*Provided however*, That no person so elected shall be allowed to enter upon the duties of said office until he shall have given sufficient evidence to the county board of his qualification to discharge the duties of said office."

Mr. Hardin moved to lay the bill and amendment upon the table; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Ellis, Goodenow, Hardin, Holloway, Logan, Morgan, Murphey, Orth, Robinson, Simpson, Stewart, Stockwell, Taber, and Winchell—22.

Those who voted in the negative are,

Messrs. Barbour, Beard, Berry of Franklin, Coats, Cuppy, Davis, Day, Edmonston, English, Green, Hamer, Hamrick, Handy, Henry, Howell, Jackson, Marsh, Miller, Milligan, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Verbrike, Waters, and Zenor—28.

So the motion to lay upon the table did not prevail.

On motion by Mr. Morgan,

The bill and amendment were then referred to the committee on agriculture.

No. 40. A bill (of the House) to legalize the acts of masters in chancery in the county of Huntington;

Read a second time, and ordered to a third reading.

No. 52. A bill (of the Senate) to amend the practice in the probate court;

Read a second time and ordered to be engrossed for a third reading.

No. 61. A bill (of the House) to extend the time of receiving work on road tax in the counties therein named;

Read a second time, and ordered to a third reading.

No. 62. A bill (of the House) to amend an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1842;

Read a second time, and ordered to a third reading.

No. 67. A bill (of the House) fixing the time for the report of the trustees of the Indiana Asylum for the education of the deaf and dumb;

Read a second time, and,

On motion by Mr. Henry,

Referred to the committee on benevolent institutions.

No. 75. A bill (of the House) entitled "An act declaring a part of Salt creek a public highway," approved February 13th, 1840;

Read a second time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a third time, and passed.

No. 76. A bill (of the House) defining the width of roads in the counties of Clinton and Tipton;

Read a second time, and ordered to a third reading.

No. 79. A bill (of the House) to amend an act entitled "An act to modify the thirtieth section, chapter sixteen, of the Revised Statutes," approved January 19th, 1846;

Read a second time and referred to a select committee of Messrs. Parks, Allison, and Bowers.

No. 86. A bill (of the House) to extend the benefit of a certain act therein named to the counties of Clinton and Carroll;

Read a second time, and ordered to a third reading.

No. 90. A bill (of the House) in relation to the service of subpoenas in chancery;

Read a second time.

On motion by Mr. Orth,

Referred to the committee on the judiciary.

No. 95. A bill (of the House) to incorporate the Delphi manufacturing company;

Read a second time, and,

On motion by Mr. Edmonston,

Referred to the committee on corporations.

No. 103. A bill (of the House) to repeal an act entitled "An act for the protection of wild fruit growing on the public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko," approved January 13, 1844;

Read a second time and referred to the committee on agriculture.

No. 104. A bill (of the Senate) to extend certain privileges in an act therein named;

Read a second time, and,

On motion by Mr. Milliken,

Referred to a select committee of Messrs. Milliken, Handy, and Murphey.

No. 106. A bill (of the House) to amend the charter of the Hagerstown canal company, and to legalize their acts;

Read a second time.

Mr. Holloway offered the following amendment to the bill:

Amend by inserting the following additional section:

SEC. —. *And be it further enacted*, That if, in the estimation of said canal company, it should at any time be deemed expedient for the purpose of securing the completion of that portion of the White Water canal assigned to said company, within a reasonable time, it shall be lawful for said company to surrender the same, and the revenues that may be derived from the navigation, and all water power desirable to be created on said canal, to any other company, firm, or person in this State, who are hereby authorized to receive, hold, manage, and enjoy the same on such terms as may be mutually agreed upon: *Provided*, They be not incompatible with the rights of the State, as reserved in the charter of said canal company.

Which amendment was adopted, and the bill, as amended, ordered to a third reading.

No. 108. A bill (of the House) in relation to proof of notice by publication;

Read a second time and referred to the committee on the judiciary.

No. 113. A joint resolution (of the House) on the subject of school section number sixteen, town. seventeen, range six;

Read a second time.

On motion,

The rules were suspended and the joint resolution a third time and passed.

No. 114. A bill (of the House) to change the name of Ellen Loudenberger to that of Ellen Lomax;

Read a second time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a third time, and passed.

No. 118. A bill (of the House) amendatory to an act for the relief of Delaware and Grant counties, approved January 13, 1844;

Read a second time and ordered to a third reading.

No. 121. A bill (of the House) authorizing the sale of section sixteen, in township No. 27 north, of range seven east;

Read a second time and ordered to a third reading.

No. 123. A bill (of the House) to repeal the third section of an act entitled "An act to provide for the re-appraisement of real estate heretofore appraised and subject to taxation," and for other purposes;

Read a second time, and,

On motion by Mr. Allison,

Referred to a select committee of Messrs. Allison, Barbour, and Winchell.

No. 129. A bill (of the House) declaring a certain act therein named, to be in force.

Read a second time; and,

On motion by Mr. Beard,

Referred to the committee on the judiciary.

No. 66. A bill (of the House) to reduce the expenses of Floyd county.

Read a second time; and,

On motion by Mr. Davis,

Referred to a select committee of Messrs. Davis, English, and Logan.

On motion by Mr. Davis,

Messrs. Osborn and Holloway were added to said committee.

Messrs. English and Logan asked to be excused from serving on said committee,

Which request was granted by the Senate.

No. 130. A bill (of the House) granting to probate judges in this State, the right of taking acknowledgments of deeds and other instruments in writing, and for other purposes.

Read a second time; and,

On motion by Mr. Orth,

Referred to the committee on the judiciary.

No. 131. A bill (of the House) authorizing the Secretary of State to make a deed in a certain case.

Read a second time and ordered to a third reading.

No. 132. A joint resolution (of the Senate) upon the subject of improving the Wabash river.

Read a second time.

Mr. Handy moved to amend the joint resolution, by adding;

Provided, That no such appropriation shall be expended upon that part of the Wabash river contemplated to be under the control of the "Wabash Navigation Company," until the commissioners in said company shall have surrendered the charter of said company.

Mr. Ellis moved to lay the amendment upon the table.

And the ayes and noes being demanded thereon by Messrs. Ellis, and Handy,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements,

Coats, Coffin, Conner, Davis, Edmonston, Ellis, Goodenow, Hamer, Hamrick, Hardin, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Read, Robinson, Simpson, Verbrike, Winchell, and Zenor—28.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Cuppy, Day, English, Green, Handy, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Parks, Rockhill, Stewart, and Waters—19.

So the amendment was laid upon the table.

Mr. Howell moved to refer the joint resolution to the committee on federal relations;

Which motion did not prevail.

Mr. Berry of Franklin proposed the following amendment to the joint resolution:

Provided, That after any appropriation of money by the Government upon said river, it shall not be lawful for the Wabash Navigation Company to charge any toll for the passage of boats upon that part of said river which is improved by a public appropriation.

Mr. Ellis moved to lay the amendment upon the table;

And the ayes and noes being demanded thereon by Messrs. Ellis and Berry of Franklin,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbrike, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

So the amendment was not laid on the table.

The question then recurring upon the adoption of the amendment, The ayes and noes being demanded by two Senators; and,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Parks, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbrike, Winchell, and Zenor—24.

The President gave the casting vote in the affirmative, And the amendment was adopted.

On motion,

The Senate adjourned.

TUESDAY MORNING, JANUARY 5, 1847.

The Senate assembled.

The journal of the preceding day was read.

Leave being granted,

Mr. Coffin, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 154, entitled an act to amend an act entitled an act to incorporate the trustees of the Indiana Asbury University, approved January 10, 1837, have had the same under consideration, and have directed me to report the same back with one amendment, which, when adopted, they recommend its passage.

Add the following sections:

SEC. —. *And be it further enacted*, That the commissioners of the sinking fund be, and they are hereby directed, upon application of the trustees of the Indiana Asbury University to loan to them out of the sinking fund the sum of ten thousand dollars for the term of ten years: *Provided*, That said trustees shall furnish to said commissioners good and sufficient security for the repayment of said loan at the expiration of said time.

SEC. —. *And be it further enacted*, That in consideration of said loan, and in lieu of interest thereon, said trustees shall further give bond to said commissioners, that they will educate during said term of ten years, without charge for tuition, as common school teachers,

one student from each county in the State, to be selected as students now are selected by law for the State University: *Provided, also, That when such students or any of them shall have left such university, the counties as aforesaid shall have the right of sending others, so that one student from each county may be constantly receiving tuition.*

Mr. Robinson moved to lay the bill and pending amendments upon the table.

And the ayes and noes being demanded thereon by Messrs. Logan and Coffin:

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Monroe, Bowers, Bradbury, Clements, Coats, Conner, Cuppy, Edmonston, English, Goodenow, Handy, Henry, Jackson, Logan, Miller, Milligan, Murphey, Robinson, Simpson, Stockwell, Verbriek, and Winchell—23.

Those who voted in the negative are,

Messrs. Beard, Berry of Franklin, Coffin, Day, Green, Hamer, Hamrick, Hardin, Holloway, Howell, Marsh, Milliken, Morgan, Montgomery, Osborn, Parks, Read, Rockhill, Stewart, Taber, and Waters—22.

(So laid upon the table.)

The vote being announced as a tie, the President gave the casting vote in the negative, and the error was not discovered until the consideration of the bill and amendments were,

On motion by Mr. Berry of Monroe,

Postponed until 2 o'clock, P. M.

Mr. Coffin moved that there be a call of the Senate;

Which was ordered and the absentees sent for.

On motion by Mr. Davis,

The further call was suspended.

Leave being granted,

Mr. Davis submitted the following minority report, from the committee on federal relations:

MR. PRESIDENT:

The undersigned, members (a minority,) of the committee on federal relations, to which was referred so much of the Governor's Message as relates to the war with Mexico, dissenting from some of the conclusions of the majority, beg leave to report:

They cannot, in all things, "concur in the sentiments expressed" by the Governor, as has been done in the report of the majority of the committee, not from any want of respect for the Executive of

Indiana, but because we regard some of his conclusions erroneous, and not warranted by the *facts*. Neither do we dissent out of any captious motive, or from a desire to throw any—even the slightest—obstacle in the way of a vigorous prosecution of the war now so unfortunately existing. In the debates which frequently spring up in legislative chambers, often angry and discursive, it is not to be expected that historical accuracy should always characterize them; but it is expected that in grave papers, emanating from the Executive, or from the well-matured reports of committees, some degree of precision should be observed in matters affecting the honor of a nation, and the integrity of her public men. "Nothing extenuate, nor ought set down in malice," is a maxim which might challenge the attention of our highest functionaries; and a rigid adherence to that rule, even in the contests of opinion among civilized nations, might save much error for the present, and shame for the future.

The minority of the committee on federal relations entirely agree with the majority that the people of these States ever sympathize with those who struggle to cast off the yoke of oppression in other lands. This boast is not an empty one. It is written on every page of our history, legislative and social. The American People, having themselves inherited the priceless legacy of freedom, have stretched out a helping hand, and raised a cheering voice to every struggling nation in the old and new world. Mexico herself has partaken of these sympathies. From the day that her struggle commenced for independence, and throughout her long and gallant conflict against the armies of Spain, no American voice was ever raised to depress her valor or subdue her spirit. In the Halls of Congress she had an eloquent advocate for the recognition of her existence as a nation, in the person of our first citizen, Henry Clay, and the same voice which urged the American people to welcome the South American Republics, and "suffering, bleeding, and mangled Greece," into the family of free nations, also embraced the infant republic of Mexico. For nearly a quarter of a century, reciprocal kindness, and the intercourse of the "most favored" nations have subsisted; though there were moments of exasperation, and causes of ill-will, nothing menacing hostilities was apprehended.

The undersigned fully partake of the feelings of the majority in deploring the unsettled condition of the Mexican Government, since its first establishment. The causes which have superinduced that state of things must be matter of regret to the lovers of true liberty both here and in Mexico. The reign of "military chieftains, (as the majority remark,) who have succeeded each other in rapid succession," has been the curse of that unfortunate people; and with us, partially free from such "arrogant and rapacious" rulers, must plead in extenuation of the rigid rules of strict national relation. A written Constitution was enjoyed for a brief season of internal quiet by the citizens of Mexico, to be overturned and prostrated whenever the ambitious designs of those "chieftains" required the

sacrifice. Such a people, even though possessing the higher virtues, could not fail, under such accumulating wrongs at home to become wrong-doers towards neighboring nations; and while plundered by those in whom they confided, is it at all strange that the poverty of their treasury was made the *pretext* for a failure to pay the honest debts due to the citizens of commercial neighbors? The very condition of the Mexican Republic, so well depicted and deplored by the report of the majority, is a strong warning to all who would preserve the *substance*, as well as the *forms*, of free representative government. Every infraction of—every departure from—the strict letter and spirit of the *written* law, should meet the prompt condemnation of the people of our own favored land. The approaches of usurped authority are never hasty, never bold, except in revolutions where the strong arm of military power strike down the guaranties of freedom. Our Government has nothing to fear from this last effort of the tyrant and the usurper. Our system has to deprecate the silent marches of the Executive prerogative—the claims of Presidential ambition—the unlicensed dominion of Party, and the apparently blind and stupid submission of corrupt men to the first infractions of a favorite chief on any portion of the Constitution. The people of Mexico have suffered all the horrors of anarchy and bloodshed among themselves, and have now brought down upon their unfortunate country the scourge of war, waged by the Government of a people who have been their exemplars in the race of free institutions in the New World. What a lesson should this teach the citizens of these States! The *forms* of freedom, without the political and social virtues to give them vigor, are a mockery—a reproach to any people. The errors of our cotemporary Republics are beacon-lights to warn us from the rocks which lie in our way; and if our people are wise, no recreant son, however elevated, will be allowed, (under the false and dangerous plea of *necessity*), to bring upon this young Empire the dangers of unauthorized war, and the profligate expenditure of the national means.

The undersigned have no desire to “enter into a lengthy exposition of the questions which arose upon the annexation of Texas,” to use the language of the majority. It is not a pleasant duty to arraign any portion of our public men, or to drag from the past what we wish was the unwritten history of our native land. The majority acknowledge, with a frankness which does them honor, that those “questions” were the more “immediate cause” of the hostilities in which we are now involved. To argue that the “hostilities” were not to be expected, was hardly looked for in a paper prepared with the care of the majority report—the declaration that “no reasonable mind can find in them [the annexation of Texas, and the “questions” involved in it,] any justification of the attack that was made upon us.”

In this broad and general remark of the majority, we cannot concur. From the first moment of the inception of this question of an-

nexation, all “reasonable minds” *did* expect the “attack” of the Mexican arms. It was the natural result of the position which the question had assumed, and was predicted by some of the ablest and most profound of our statesmen. Without arguing the rights of Mexico to throw herself into this position of hostility, there was but little doubt of the *effect* which it would produce upon the minds of an excited people, led on by the “military chieftains,” then and now ruling the affairs of that republic. Chafing under the dismemberment of her territory, and the successful revolution of the people of Texas, it was to be expected that the warlike spirit of Mexico would be aroused, and that a conflict of arms would ensue, to decide the question of gain on the one hand and loss on the other. The majority of the committee, it is to be regretted, have ventured that assertion, unsustained by the recorded warnings of the past, and in the sight of evidence which utterly precludes the supposition of ignorance on their part. We regret that this conclusion forces itself upon our minds, and leaves the painful impression that the majority have not acted, on this occasion, with their usual candor. Certainly, everything indicated, from the commencement of the scheme of annexation, that the measure could never be carried without bloodshed and war. The majority say that Mexico forced this war upon us, as the Governor declares, by her own act; that she had invaded *our* territory, attacked our forces, and shed the blood of American citizens on *our own soil*. These assertions are not sustained, however, by proof, nor does the majority of the committee think it necessary to offer any. That there was blood-shed on the banks of the Rio Grande, we admit and deplore—that portions of the troops of both nations came in hostile collision is a matter of serious regret; but that the “soil” on which the blood was spilled was ours, beyond dispute and contest, is yet a question for adjudication and settlement.

Let us now inquire whether any “reasonable mind” expected hostilities from the annexation of Texas. This is worth looking into, because the sweeping declaration of the majority of the committee would seem to imply a melancholy lack of “reason” on the part of our people. Fortunately for the cause of truth and the vindication of history, written proof exists that men in high station did regard annexation and war as kindred terms before either event befell the nation. We refer, with great pleasure, to the just and prophetic views of Martin Van Buren, once President of the United States, and *once* possessing the confidence of a great and powerful party in this nation. With a forecast and vision worthy of a statesman, that eminent citizen, in April, 1844, gave his sentiments in regard to annexation. In his letter to William H. Hammett, dated “April 20, 1844,” he says:

“The question then recurs, if, as sensible men, we cannot avoid the conclusion that the immediate annexation of Texas would, in all human probability, *draw after it a war with Mexico*, can it be *EXPEDIENT* to attempt it? Of the consequences of such a war, the char-

acter it might be made to assume, the entanglements with other nations which the position of a belligerent almost invariably draws after it, and the undoubted injuries which might be inflicted upon each, (notwithstanding the great disparity of the respective forces,) I will not say a word. * * * * * Can we hope to be justified in the eyes of mankind for entering into it, more especially if its commencement is to be preceded by an appropriation to our own uses of the territory, *the sovereignty of which is in dispute between two nations*, one of which we are to join in the struggle?"

A volume written by the undersigned, could not more faithfully and powerfully answer this part of the report of the majority, than the extract given above. But is this all? Are there no other prophets—no other statesmen—whose "reason" is attacked by the report of the majority? We proceed:

Mr. Benton has, even in moments of great excitement, been regarded as possessing a somewhat "reasonable mind," and as entertaining clear and intelligent views of constitutional and international law. The Missouri Senator, on the 13th of June, 1844, made one of his able speeches against the annexation of Texas, and a report of the speech may be found in Niles' Register, June 22, of that year. He says:

"Mexico had a right to look as she pleased on the revolt of Texas. The law of nations allowed her to look at it as she pleased. If she said Texas was in a state of revolt, ANNEXATION WOULD BE WAR! Was there ever such a thing heard of as the head of one nation presuming to say how another nation should view a question between her and a revolted province! The Mexican minister asked our minister whether we designed to annex? The reply was, diplomatically, that no instructions had been given upon the subject. Mexico declared that annexation would lead to a declaration of war against the United States. *War was the price that Mexico set upon the measure.* * * * * * But it was said that it would be a little war, and therefore we could go into it! If between two children, grown persons might soon be involved in it. * * * * * While the peace-makers were at work, the mischief-makers attempted to drive them from the battle—to light up the flame of war—to *bring disgrace upon republican government*—and all for what? To gratify a contemptible individual ambition, which he loathed and despised from the bottom of his heart—to *promote a miserable president-making intrigue.*"

This is plain speaking, and must convince the majority of the committee—and we hope, the Senate, too—that some "reasonable minds" did anticipate the "attack" made upon the troops transported to the Rio Grande, and that war and all its horrors, were predicted to result from the annexation of Texas.

We might quote the opinions of other distinguished citizens, all proving the position assumed, to-wit: That the annexation of Texas was likely to produce war and blood-shed, and the expenditure of

countless treasure and human life; but we trust the majority of this Senate will be satisfied that the authority here produced, (Messrs. Van Buren and Benton,) is sufficient reason for our dissent from the views of the majority of the committee, for whose opinions we entertain a high and unaffected respect.

In like manner, we regret to differ with the majority of our colleagues of the committee on federal relations, in regard to the question of boundary—the line of Texas sustained and settled in her eight years' conflict with Mexico. Far be it from our desire to place our nation in the wrong in this unfortunate difficulty with a neighboring republic. The undersigned ardently indulge the hope that the future will prove that those at the head of our affairs have been guided, in the events which have precipitated this conflict upon the country, by the views of justice and honor. Whilst an honest difference of opinion exists upon this subject, in the highest quarters, and amongst men of all parties, it would be equally unbecoming in the majority or the minority to assert opinions unsustained by the recorded evidence of treaties, laws or compacts. We only desire to spread on the legislative journals of the Senate the reasons which guide us in submitting this paper. These views may be erroneous, but we know they are honest and sincere, and are deemed necessary to our own justification in refusing to sanction the report of the majority.

The majority of the committee on federal relations lay great stress upon the fact that a collection district was established at Corpus Christi, beyond the Nueces, on the 31st December, 1845, by the Congress of Texas, *two days* after the act finally passed admitting Texas into the American Union. What does this prove? Absolutely nothing. Surely no member of that committee will argue that a law of Congress providing for the collection of duties as they had previously been collected, would confer a shadow of territorial right or act as an estoppel to the just claims of a belligerent nation! Even Mr. Polk, in his late message, attempts to justify his own conduct in sending troops to the Rio Grande, by a reference to that very law, passed on the 31st of December, 1845. Let us look at that. Texas was annexed December 29th, 1845, and the President thinks he was justified in ordering General Taylor to advance to the Rio Grande, January 13th, 1846. Now, this would *look a little fair*, if the orders of January 13th were the *first* given. But is this so? Will the majority of the committee pretend to say—do they assert it—that the orders of the Government depended upon even the annexation of Texas by the Texian Congress? Not at all. Corpus Christi, where General Taylor first established his headquarters, was a port, and the only one west of the Nueces, of which the Texans were in the acknowledged possession. As the majority states, they had a "custom-house" there, and derived a portion of their public revenue from the duties which its officers received. This made it entirely proper for the President of the United States to take military pos-

session of it, in obedience to the act of Congress annexing Texas. But he did *more*; and it is this further act that throws doubt upon the propriety of his conduct. On the 15th of June, 1845, (*six months before the act in question was passed*,) the American Secretary of War wrote to General Taylor as follows: "The point of your ultimate destination is the western frontier of Texas, where you will select and occupy, *on or near the Rio Grande del Norte*, such a position as will consist with the health of the troops, and will be best adapted to repel invasion, and to protect *what, in the event of annexation, will be our western border*." On the 30th of July, 1845, (*five months before the act of December 29th*,) Mr. Marcy, Secretary of War, instructed General Taylor thus: "The *Rio Grande* is claimed to be the boundary between the two countries, and up to this boundary you will extend your protection. * * * * * You will approach as near the boundary line—the *Rio Grande*—as prudence will dictate." These instructions can hardly be mistaken. They were written *six months BEFORE* Congress had established a custom-house, and before any, even the slightest, legislation was had upon any subject connected with the country between the Nueces and the *Rio Grande*! The majority of the committee on federal relations assert that the country in dispute forms part of a congressional district now represented in the American Congress. This is a mistake, perhaps an innocent one. One thing is very certain, and the declaration is made on authority not to be disputed—*not one vote for such member of Congress was ever cast by an inhabitant of the territory, nor was a poll ever opened there for such purpose!*

We have thus, very briefly, adverted to the arguments of the majority of the committee—perhaps we should say, its *inferences*—in regard to the rights of sovereignty over the territory in dispute. We may be permitted to quote some authorities, which (on other subjects at least,) find great favor with the majority of the committee and of the Senate. They are, on that account, not less acceptable to us, nor will they be, we suppose, to the people of Indiana. In the pursuit of knowledge an honest inquirer will not reject it because its light is shed from the beaming countenances of those we love. The pure of heart will cherish the voice of admonition, and listen with a deeper reverence to those who, in social life, are deemed most capable of imparting instruction. This trait in the human character is worthy of regard in the discussion of political and national questions. This boundary question requires light—explanation. Our first instructor will be Thomas H. Benton, the Missouri Senator, who, on the 16th of May, 1844, introduced the following resolution into the Senate of the United States: "*Resolved, That the incorporation of the left bank of the Rio del Norte [Rio Grande] into the American Union, by virtue of a treaty with Texas, comprehending, as the said incorporation would do, a part of the Mexican departments of New Mexico, Chihuahua, Coahuila and Tamaulipas, would be an act of direct aggression on Mexico, for all the conse-*

quences of which the *United States would stand responsible*." Need we add another word to justify our dissent from the conclusions of the majority? But let us proceed a step further. In Mr. Van Buren's letter to Mr. Hammett, he gives a history of the attempts made to acquire Texas, from 1825 to 1829. The attempt during the administration of General Jackson, is thus spoken of by Mr. Van Buren: "The cession asked for by General Jackson extended only as far west as the centre of the desert or Grand Prairie, *which lies east of the river Nueces*. * * * * * Both [*the propositions of 1825 and 1829*] authorized agreements for smaller portions of territory, and the payments were modified accordingly." Mr. Benton quotes, with emphasis, this extract from Mr. Van Buren's letter, and then adds, in his speech against the annexation of Texas in 1844: "This brief extract from Mr. Van Buren's letter justifies all that I have said in regard to the boundary proposed by General Jackson in 1829. It shows that he stopped at the mountains at the desert line of the Nueces—that he would not touch the *Rio Grande, EVEN AT THE MOUTH!* Seeing and knowing this, (for I was contemporary with the transaction,) I cannot believe that General Jackson is now for Polish dismemberment of Mexico!" We leave this part of the subject, and rest our disagreement with the majority on the facts stated here, without volunteering any *mere opinion* of our own, which might, in the remotest degree, prejudice the just rights of our country. We are with *her*, at all hazards; but must avoid the use of language not suited to the "clear and unquestionable" expression of our sentiments, however humble and unimportant they may be to the Senate or the public.

We have no difficulty in joining with the majority of our colleagues, in bearing honorable testimony to the patriotic zeal of our fellow citizens in all the States, in this trying emergency. Without stopping to inquire into the causes which led to the collision of the troops of the two republics, the people—always patriotic and confiding—rushed to the standard unfurled for volunteers; and the country witnessed, in a short time, entire battalions of citizen-soldiers on their way to the seat of military conflict. This was effected, too, without a resort to any of the means so common in despotic governments. We witnessed neither drafts nor the system of levies, so odious in other countries; but a generous emulation, a rivalry for place, even the humblest, worthy of remark and admiration. This gratifying evidence of our power in time of real danger, should that day ever come upon our beloved country—must be consoling to every patriotic bosom; and gives assurance that military establishments, of dangerous extent, are not necessary to guard public liberty, or the integrity of our territory, from the approach of an outward foe. The sons of the soil are adequate to the defence of freedom, and, when necessary, to check and punish every insult offered to our flag.

While the undersigned pay this willing and proper tribute to our

brethren of other States, they can never forget the devoted patriotism manifested by our own citizens. Although Indiana is essentially an agricultural State, and the pursuits of our people lead them to the cultivation of the arts of peace, she answered the requisition of the Executive, and filled up the companies and regiments demanded, with a promptitude entirely honorable to the patriotism of our people. Never did any of our sisters exhibit a deeper sentiment of attachment to the wants of the country; and the only regret seemed to be, that the President should ask for so few of her sons to bear the gallant flag of our National Union to the fields where duty and triumph should marshal it to victory.

The undersigned most heartily join in the approbation expressed by the majority of the committee, of the "gallantry and good conduct" of the regulars and volunteers engaged in the late contests on the Rio Grande and at Monterey. No language of ours can add to the force of the remarks of the majority of the committee, in every word of which we cordially agree. The campaign of the Rio Grande, so short and glorious, is honorable to the fame of our country; and it is not too much to say, that the noble commander, and the officers and men under his direction, have won imperishable renown, in which their fellow-citizens, in all time to come, will have an undivided legacy. While the American people remember, with gratitude and pride, the fields of Tippecanoe, the Thames, and New Orleans, can they ever forget the triumphs of Palo Alto, Resaca de la Palma, and Monterey? They are our heir-looms of glory, and will descend to the yet unborn generations which are to crowd and people this Empire of the Free!

The minority of the committee deeply regret to be compelled to say, that they do not regard the war, in all respects, as vigorously prosecuted. This is said in no captious spirit, and with no desire to find fault. As our colleagues of the majority have deemed it their duty to refer to the manner in which these operations have been conducted, we must be pardoned for the expression of our dissent, and especially in regard to what the President, in his annual message, terms "aid and comfort" to the enemy. Among the "military chieftains" of Mexico (so aptly alluded to by the majority) the name of Gen. Santa Anna stands conspicuous, both for eminence and atrocity. This man, as the world knows, was an exile from Mexico on the breaking out of this war, having been shortly before expelled that country for his virtues or his crimes. In one of the revolutions so frequent in that Republic, his banishment was decreed, and he sought refuge at Havana, a dependency of old Spain. The contiguity of Cuba to the scenes of the intrigues of Mexico, gave Santa Anna an opportunity of participating in them, through the agency and labors of his adherents. He again sought to create a change in Mexican sentiment in his favor; and for several months before he returned from exile, and landed at Vera Cruz, his possession of Mexican power—*his command of her armies*—was confidently pre-

dicted. Our squadron, commanded by an able and prudent officer, had entire control of the Gulf, and the only obstacle to his return (as it then *appeared* to those at a distance) was the American navy. Without the connivance or neglect of the naval forces of the United States, his return was impossible. The *facts* are easily told, and have astonished all unprejudiced citizens of this country. In the message of the President, at the opening of the present Congress, we find the following admission: "When orders were issued to the commander of our naval forces in the Gulf, on the 13th day of May last, *the day on which the existence of war was recognized by Congress*, to place the coast of Mexico under blockade, *he* [the naval commander] was directed *not to obstruct the passage of Santa Anna to Mexico*, should he attempt to return." The manner of Santa Anna's return is thus explained. He was permitted to pass our squadron by express directions of the President, and contrary to all the considerations which generally govern belligerent nations. If the President permitted Santa Anna's return for the purpose of lighting up, in that unfortunate country, the flames of civil war, or to precipitate upon it, afresh, the horrors of anarchy, it was done without a response from one single breast in this Union. The army of the United States will meet the enemy, and her armies, in honorable conflict; Mexican troops will be vanquished, and the story of the Rio Grande repeated in every field of conflict; but the people of the United States desire no intestine broils—no domestic butchery—no "fraternal blood"—to aid the glory of their armies. God forbid! That deep degradation will be repelled by all. The corrupt and rotten governments of the old world may resort to this mode of warfare; iniquitous England may adopt it in her march of conquest over the divided princes of India; but young America, rich in the inheritance of true glory, will not disgrace her laurels by crime and dishonor!

We have said that Santa Anna went back to Mexico by the sufferance of our government. This is admitted by the President—denied by no one. For what *purpose* did he return? His present position will explain it all. We have nothing to do with inferences—we must take *facts* as they exist. He is now at the head of the Mexican army at San Luis Potosi. In his late letter to General Taylor, in reply to one from the American commander, Santa Anna holds the following language: "Laying out of the question whether *that convention* [the armistice of eight weeks at Monterey] *was the result of necessity*, or of the noble views now disclosed by you, I content myself with saying that, from the spirit and decision manifested by all Mexicans, *YOU SHOULD BANISH ALL IDEA OF PEACE, whilst a single North American, IN ARMS, treads upon the territory of this Republic.*" What language can add to the thoughts which crowd upon us in making this brief extract from the letter of the once Mexican exile—now the head of her armies? What could induce President Polk to permit his return, bearing the *double character* of an out-law from

his own country, and an enemy to ours? If his return was permitted to enable him to play the part of a *traitor at home*, no American heart will respond to the act. If he was permitted to land at Vera Cruz to head the armies of Mexico, and to give to that army a leader superior to all her generals, then has the President rendered "aid and comfort to the enemy," for which, in all time to come, he will be responsible to the people of these States. Let us not be misunderstood. We do not charge upon the Executive this intention, but we do charge him with a neglect of obvious duty—with misunderstanding the character of that desperate and cruel chieftain, whose deeds are written with the blood of martyrs to Texan liberty and independence.

The minority of the committee in conclusion have to remark, that the people of Indiana, without distinction of party, will ever be found true to the Union, and the defence of our rights, no matter *who* directs our national affairs. It is expected that an honest difference of opinion will be entertained as to the best means of fulfilling the high destiny of our beloved country. In Republican Governments, where the spirit of inquiry is left free, and where no tyrant power can "bid it down," discussion *will* be had, and her rights vindicated. No man, however high in authority, can drown the public voice, expressed through the press, in legislative assemblies, or by the suffrages of a free people. These unquestioned rights have been asserted and nobly vindicated, heretofore, and the future will add additional lustre to their triumphs. The people of Indiana have a deep interest in the peace of the world—in the peace of this continent—in the benign blessings of a just government and wholesome laws. While they anxiously desire all these, and will labor to establish and preserve them, they will never withhold, from an existing administration, the means necessary to defend the country in its contests with a foreign power. The patriotism of this people is a **LIVING PRINCIPLE**, bounded by no factious considerations—no geographical limits. In the wars through which our country has passed, during the years of its separate existence as a nation, this test of fidelity has been placed to the character of our people. The *past* is secure in the evidences of this patriotism—the *future* will add to the renown and integrity of this undying principle.

JOHN S. DAVIS,
ABNER M. BRADBURY,
JOHN BEARD,
HUGH HAMER.

On motion by Mr. Davis,

The report was laid on the table.

Mr. Berry of Monroe moved to take from the table the report of the majority of said committee, made a few days since, and that 2000 copies thereof be printed for the use of the Senate.

Mr. Osborn moved to amend the motion by including therein the report of the minority.

Which modification was accepted by Mr. Berry.

Mr. Hamrick moved to lay the motion to print said reports upon the table;

Which motion did not prevail.

Mr. Howell called for a division of the question.

The question recurring upon printing said reports,

The ayes and noes were demanded by Messrs. Howell and Holloway.

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Coffin, Davis, Day, Edmonston, Hamer, Handy, Milligan, Parks, Read, and Waters—13.

Those who voted in the negative are,

Messrs. Barbour, Bowers, Bradbury, Chenowith, Clements, Coats, Conner, Cuppy, Ellis, English, Goodenow, Green, Hamrick, Hardin, Henry, Holloway, Howell, Jackson, Logan, Marsh, Miller, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Stewart, Stockwell, Taber, Verbriek, Winchell, and Zenor—35.

So the Senate decided not to print said reports.

Mr. Davis asked and obtained leave of absence for Messrs. Stockwell and Osborn during the sitting of the Senate.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills thereof:

No. 4. An act providing for the correction of errors in patents for lands sold by the State;

No. 33. An act to incorporate the Clifty Band of Musicians in Decatur county;

No. 51. An act repealing certain acts in relation to the county of Posey;

No. 53. An act to amend section 128, chapter 35, of the Revised Statutes of 1843;

No. 84. An act to reduce the price of the Revised Statutes of 1843;

No. 91. An act to fix the time of holding courts in the eighth judicial circuit;

No. 236. An act to vacate certain streets in the town of South Greencastle, Putnam county;

Which I am directed to bring to the Senate for the signature of the President thereof.

The Senate then proceeded to the consideration of the order of the day, which was,

No. 3. A bill (of the Senate) to provide for holding a convention to revise and amend the constitution of the State of Indiana.

The following amendments proposed to the bill by the select committee to which it had been referred, were concurred in by the Senate, to-wit:

In the preamble insert "a majority of all the votes given upon the subject of a convention."

In the fourth section strike out "board of commissioners," and insert "board doing county business."

In the twelfth section strike out "President," and insert "Governor."

Mr. Parks proposed further to amend the bill as follows:

Amend the second section, third line, by striking out the word "two" and inserting the word "one."

Also, amend the fourth section, fifth line by striking out the word "two" and inserting "one."

Also, amend the sixth section, eleventh line by striking out the word "two" and inserting "one."

Pending which,

Mr. Beard moved to re-commit said bill to a select committee, with instructions to provide for submitting the question of calling a convention to revise and amend the constitution to a vote of the people at the next August election, inasmuch as serious doubts exist whether such convention was called at the last election; no returns having been received from thirteen counties of any vote whatever on that subject.

Mr. Osborn moved to amend the instructions as follows:

Amend so that said committee shall inquire into the constitutionality and expediency of the law authorizing the election of delegates to form a new constitution, before a majority of all the votes cast at the election, shall have been given in favor of a convention; and also, to inquire into the probable cost of such convention.

Which amendment was accepted as a modification by Mr. Beard, the mover.

Pending which,

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

Senate met.

On motion by Mr. Parks,

The consideration of Senate bill No. 3, providing for calling a convention to revise and amend the constitution of this State, pending at the adjournment, was postponed until Monday next, at ten o'clock, A. M.

Leave being granted,

Mr. Berry of Monroe offered the following resolution:

WHEREAS, P. M. Parks, Senator from the county of Morgan, has sustained and is, by the late freshets, likely to sustain great loss in property requiring his attention at home: Therefore,

Resolved, That he have leave of absence until Monday next.

Which was adopted.

Leave being granted,

Mr. Parks, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 79, to amend an act entitled "an act to modify the thirteenth section, chapter sixteen, of the Revised Statutes," approved January 19, 1846, have, according to order, had the same under consideration, and have instructed me to report it back to the Senate, without amendment, and recommend its passage.

On motion by Mr. Parks,

The rules were suspended, and the bill read a third time, and passed.

The Senate then proceeded to the consideration of the order of the day; being,

No. 154. A bill (of the House) to amend an act entitled "an act to incorporate the trustees of the Indiana Asbury University," approved January 10, 1837;

Mr. Barbour moved to reconsider the vote by which said bill and pending amendments were laid upon the table.

Which motion prevailed.

Mr. English moved that there be a call of the Senate.

Which was ordered;

And the absentees were sent for.

The Senators appearing in their seats;

On motion by Mr. Jackson,

The further call of the Senate was suspended.

The question then recurring upon laying the bill and pending amendments upon the table;

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Berry of Monroe, Bowers, Bradbury, Coats, Cuppy, Edmonston, English, Hamer, Howell, Miller, Milligan, Murphey, Robinson, Simpson, and Zenor—15.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Chenowith, Clements, Coffin, Conner, Davis, Day, Ellis, Goodenow, Green, Hamrick, Handy, Hardin, Henry, Holloway, Jackson, Logan, Marsh, Milliken, Morgan, Orth, Read, Rockhill, Stewart, Taber, Verbriake, Waters, and Winchell—31.

So the bill and amendments were not laid upon the table.

Mr. Allison then proposed the following amendment to the amendment of the committee:

Provided, Said loan shall be paid in par funds.

Which amendment was adopted.

Mr. Robinson moved to amend the amendment of the committee by inserting after the word "time," in the first section, "at the rate of six per cent. per annum."

Mr. Orth moved to lay said amendment upon the table.

Which motion did not prevail.

Mr. Berry of Franklin moved to amend the amendment of Mr. Robinson by striking out "six" and inserting "seven."

Which was accepted by Mr. Robinson as a modification of his amendment.

The question then recurring upon Mr. Robinson's amendment as amended;

The ayes and noes being demanded thereon by Messrs. Orth and Hamrick,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Clements, Coats, Conner, Cuppy, Day, Edmonston, Ellis, English, Goodenow, Green, Hamer, Handy, Hardin, Henry, Holloway, Howell, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Murphey, Osborn, Read, Robinson, Simpson, Stewart, Taber, Verbriake, Waters, Winchell, and Zenor—40.

Those who voted in the negative are,

Messrs. Beard, Chenowith, Coffin, Davis, Hamrick, Orth, and Rockhill—7.

So the amendment was adopted.

Mr. Murphey then moved to amend the amendment of the committee as follows:

"Strike out so much of the second section as relates to the payment of interest in tuition."

On the adoption of said amendment,

The ayes and noes being demanded by Messrs. Murphey and Robinson,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Clements, Coats, Conner, Cuppy, Day, Edmonston, Ellis, Goodenow, Green, Hamer, Handy, Hardin, Henry, Holloway, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Murphey, Osborn, Read, Robinson, Simpson, Stewart, Taber, Verbriake, Waters, Winchell, and Zenor—39.

Those who voted in the negative are,

Messrs. Beard, Chenowith, Coffin, Davis, English, Hamrick, Orth, and Rockhill—8.

So the amendment was adopted.

Mr. Edmonston moved to lay the amendment of the committee as amended upon the table; and,

The ayes and noes being demanded thereon by Messrs. Edmonston and Ellis,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Conner, Day, Edmonston, Ellis, English, Goodenow, Green, Hamer, Hamrick, Henry, Howell, Jackson, Logan, Miller, Milligan, Morgan, Orth, Osborn, Read, Taber, Waters, and Zenor—28.

Those who voted in the negative are,

Messrs. Allison, Barbour, Bowers, Bradbury, Coffin, Cuppy, Davis, Handy, Hardin, Holloway, Marsh, Milliken, Murphey, Robinson, Rockhill, Simpson, Verbriake, and Winchell—18.

So the amendment was laid on the table.

The bill was then ordered to a third reading.

A message from His Excellency, the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he did, on the 2d inst., approve and sign the following bill, to-wit:

No. 165. An act directing the safekeeping of certain persons on a charge of felony.

And that he did also approve and sign on this day, the following joint resolutions:

No. 28. A joint resolution to the Congress of the United States, on the subject of increasing the monthly pay and making a donation of land to the volunteers in the Mexican war;

No. 86. A joint resolution on the subject of postage.

All of which originated in the Senate.

January 5th, 1847.

Mr. Rockhill moved to suspend the rules, and take from the table,

No. 94. A bill (of the House) making an appropriation for the arrest of Silas Doty, a fugitive from justice;

Which motion prevailed.

The amendment to the bill, proposed by the committee, was adopted.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a third time, as amended, and passed.

Mr. Robinson moved to suspend the rules and take from the table,

No. 57. A bill (of the Senate) to create the 13th judicial circuit, and to re-organize the third judicial circuit;

Which motion prevailed; and

On motion by Mr. Robinson,

The bill was referred to a select committee of Messrs. Morgan, English, Goodenow, Bradbury, Holloway, Murphey, Simpson, Berry of Franklin, Bowers, Milliken, Barbour, Green, and Robinson.

The President laid before the Senate the following communication from His Excellency, the Governor:

To the Hon. PARIS C. DUNNING,

President of the Senate:

SIR:—Herewith is transmitted a communication from William Lee, Esq., warden of the State Prison, setting forth that a female convict has been received within its walls as a punishment for a felony, and that there is no apartment in it proper for a prisoner of that sex.

In commending this individual case to the early consideration of the General Assembly, for some suitable provision to be made for the exigency, I cannot omit the occasion of again pressing upon the attention of the Legislature, the importance of providing Houses of Refuge and Correction for juvenile and female offenders. It is scarce-

ly hoped that the General Assembly are prepared at this late period of the session to determine whether such receptacles shall be authorized, or if so, how many, of what materials and dimensions, or in what places, but an agent might be empowered to ascertain, by correspondence and observation, and communicate to the next Legislature the necessary information on which its action in the premises could be advisedly based.

JAMES WHITCOMB.

January 5th, 1847.

[See Documentary Journal for Mr. Lee's communication.]

On motion by Mr. Handy,

The communication was referred to the committee on the State Prison.

Mr. Handy moved that the Senate do now adjourn;

Which motion did not prevail.

Mr. Davis moved that there be a call of the Senate,

Which was ordered.

Pending which,

Mr. Beard moved that the Senate do now adjourn;

And the ayes and noes being demanded thereon by Messrs. Barbour and Handy,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Marsh, Milligan, Morgan, Orth, Osborn, Robinson, Simpson, Stockwell, Verbriek, Waters, Winchell, and Zenor—26.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Miller, Milliken, Murphey, Read, Rockhill, Stewart, and Taber—22.

So the Senate adjourned.

WEDNESDAY MORNING, JANUARY 6th, 1847.

The Senate assembled.

The journal of the preceding day was read.

Mr. Henry, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred a bill, entitled "An act to amend the 8th article of the 47th chapter of the Revised Statutes of 1843," have had the same under consideration, and directed me to report that in the opinion of said committee it is inexpedient to legislate upon the subject, and recommend that said bill be indefinitely postponed.

Said report was concurred in.

And said bill, No. 162, indefinitely postponed.

Mr. Clements, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill of the Senate No. 114, entitled "A bill to enable executors and administrators to settle estates," have had the same under consideration, and have directed me to report it to the Senate with the accompanying amendment, and when concurred in, they recommend the passage of the bill.

Amend as follows:

After the word "issued," in the fifth line of the second section, and before the word "and," in the same line and section, insert the following, to-wit, "or may hereafter be issued."

Said amendment was adopted,

And the bill engrossed for a third reading.

Mr. Murphey, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred the petition of H. Lasselle, a citizen of Cass county, praying for relief, have had the same under consideration, and have directed me to report it back

to the Senate, and recommend that the petition and accompanying documents be referred to the committee on claims, and ask to be discharged from the further consideration thereof.

Said report was concurred in,

And the petition accordingly referred to the committee on claims.

Mr. Murphey, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report that, on the 5th day of January, 1847, they presented to His Excellency, the Governor, for his approbation and signature, bills Nos. 236, 91, 84, 53, 51, 33, and 4. All of which originated in the House of Representatives.

MR. PRESIDENT:

The committee on enrolled bills have compared engrossed bill of the Senate No. 19, with the enrolled, and find it correctly enrolled.

Mr. Robinson, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 148, in relation to the appointment of guardians, have, according to order, had the same under consideration, and have directed me to report said bill back to the Senate with one amendment, which when adopted they recommend its passage:

Amend by striking out said bill from the enacting clause and insert the following amendment:

Which report was concurred in and the amendment adopted.

Said bill as amended (No. 148) was engrossed for a third reading.

Mr. Orth, chairman of the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the House No. 80, entitled "An act for the benefit of Parke county Seminary," have had the same under consideration, and inasmuch as the subject matter of the bill relates entirely to the cause of education, have instructed me to report the same back, and recommend its reference to the committee on education;

Which report was concurred in, and said bill referred accordingly to the committee on education.

Mr. Milligan, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred petitions of sundry citizens of Jay county on the subject of a State road leading from Portland to Celena, have had the subject under consideration, and directed me to report the following bill, and recommend its passage.

No. 184. A bill to establish a State road in the county of Jay;

Which was read a first time and ordered to a second reading.

Mr. Milliken, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, who were instructed by a resolution of the Senate to inquire into the expediency of making a change in the road laws, have had that subject under consideration, and have directed me to report the accompanying bill, and recommend its passage:

No. 185. A bill defining the duties of the treasurers, auditors, and supervisors of highways in the county of Dearborn;

Which was read a first time and ordered to a second reading.

Mr. Zenor, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was directed a resolution instructing them to ascertain what legislation, if any, was necessary to insure a more thorough method of working out the road tax in the several counties in this State, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same;

Which report was concurred in.

Mr. Verbrake, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a resolution of

the Senate instructing said committee to inquire into the expediency of providing by law a plan for the improvement of the White river, have, according to order, had that subject under consideration, and have directed me to report the resolution back to the Senate, and respectfully ask its reference to a select committee composed of Senators representing districts through which said White river runs, and ask to be discharged from the further consideration thereof;

Which report was concurred in, and said resolution accordingly referred to a select committee composed of Messrs. Allison, Stewart, Jackson, Barbour, Conner, Hamer, English, Clements, Hardin, Logan, Edmonston, Ellis, Berry of Monroe, and Parks.

Mr. Robinson, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the petition of E. F. Lucas, asking for the passage of a law authorizing the Auditor of State to audit the claim of said petitioner for services heretofore rendered on the Wabash and Erie Canal as the General Superintendent thereof, which services was rendered in the years 1844-'45, and which services was by a law then in force to be paid in canal scrip, which he now asks to be made equal to one thousand dollars per annum in par funds, have, according to order, had the same under consideration, and have directed me to report that by an act of the General Assembly, approved December 14th, 1843, entitled "An act to reduce the salaries of Governor of the State, and other officers," the office of Commissioner of the Wabash and Erie canal east and west of Lafayette was abolished, and the office of General Superintendent created in lieu thereof, at a salary of one thousand dollars per annum, to be paid in canal funds—that said petitioner at the same session was elected General Superintendent—that he accepted said office with a full knowledge of said law, the amount of the salary, and the kind of funds out of which he was to receive his pay, and that it would now be improper and impolitic to pass any law increasing the compensation of said petitioner. Said committee have therefore directed me to report said petition back to the Senate, and recommend that it be laid upon the table, and that said committee be discharged from the further consideration thereof.

The ayes and noes being demanded upon the question of concurring,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Franklin, Bowers, Bradbury, Clements, Coats, Conner, Cuppy, Davis, Day, Edmonston, Ellis,

English, Goodenow, Green, Hamer, Hamrick, Handy, Hardin, Henry, Holloway, Jackson, Logan, Marsh, Milligan, Milliken, Morgan, Murphey, Orth, Read, Robinson, Rockhill, Simpson, Verbriek, and Winchell—37.

Those who voted in the negative are,

Messrs. Beard, Howell, Montgomery, Taber, Waters, and Zenor—7.

So the report was concurred in.

Mr. Murphey, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report, that on the 5th day of January, A. D., 1847, they presented to His Excellency the Governor, for his approbation and signature, bills of the Senate Nos. 28 and 86.

Mr. Read, chairman of the committee on federal relations, made the following report:

MR. PRESIDENT:

A majority of the committee on federal relations, to which was referred a joint resolution, No. 131, relative to the Mexican war, have had the subject under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Mr. Davis moved to strike out from and after the first whereas, and insert the following in lieu thereof:

WHEREAS, War exists between the United States and the republic of Mexico: AND WHEREAS, The gallant sons of Indiana have rallied to the standard of their country, in this emergency, without stopping to inquire into the causes that produced it, with an alacrity and promptness of which we feel proud, periling all, and losing many of their valuable lives, in common with the volunteers of sister States, in the glorious cause of our country: AND WHEREAS, It is desirable, in view of the horrors of war and the miseries of the gallant soldiery, that this war should be speedily and honorably terminated: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That while we deem war a great national calamity, we hereby instruct our senators in Congress, and request our representatives to vote all necessary and proper supplies for its vigorous prosecution; while, at the same time, it is the anxious desire of the members com-

posing this General Assembly and of the people represented by it, that it be brought to as speedy a termination as possible, consistent with the national honor and national glory.

And be it further resolved, That General Zachary Taylor, and the officers and men under his command, have won the applause and gratitude of the States and the people, for their heroic conduct in sustaining the glory of the American arms during the recent conflicts with the Mexican forces.

And be it further resolved, That the Governor of this State be directed, with as little delay as possible, to procure, at the expense of the State, a sword with suitable inscriptions, to be presented to General Zachary Taylor, as a suitable testimonial of the gratitude of the people of Indiana, for his heroic conduct in the decisive battles of Palo Alto, Resaca de la Palma, and Monterey.

And be it further resolved, That we entirely disapprove of the votes of those members of Congress who refused to *increase* the pay of the volunteers called to the battle-fields of Mexico—that such vote, with all proper deference to the enlightened judgment of the National Legislature, does not, in our opinion, meet the sanction of the people of this State.

Be it further resolved, That the Governor of this State be requested to forward a copy of this joint resolution to our Senators and Representatives in Congress, to the President of the United States, and to General Zachary Taylor, commanding the American forces now operating against Mexico.

Mr. Edmonston moved a call of the Senate;
Which was ordered.

On motion by Mr. Milliken,
Said call was suspended.

The question recurring on the amendment of Mr. Davis,
Mr. Edmonston moved the previous question;
Which was seconded.

The question then being,
"Shall the main question be now put?"
It was decided in the affirmative.

So the main question was ordered to be now put.

The main question being upon the engrossment for a third reading of said joint resolution, and,

The ayes and noes being demanded by Messrs. Edmonston and Bowers,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, Verbriek, and Zenor—22.

So the joint resolution was ordered to be engrossed for a third reading.

Mr. Davis, from the committee on the State Bank, made the following report:

MR. PRESIDENT:

The committee on the State Bank, to which was referred the petition of Horace B. Smith, have had the same under consideration, and have instructed me to report the following bill and recommend its passage:

No. 186. A bill to authorize the commissioners of the sinking fund to make a settlement with Horace B. Smith;

Which was read a first time.

On motion by Mr. Coats,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Bowers, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred bill of the House No. 103, entitled "A bill to repeal an act entitled 'an act for the protection of wild fruit growing on the public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko,' approved January 13th, 1844," have had the same under consideration, and have instructed me report the same back to the Senate, and recommend its passage.

Which was ordered to a third reading.

Mr. Berry of Franklin, from of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred Senate bill No. 146, entitled "A bill to amend an act entitled 'an act to incorporate the Richmond Turnpike Company,' approved January 15th, 1844," have had that subject under consideration, and directed me to report it back to the Senate, and recommend its passage.

No. 146.

Which was ordered to a third reading.

Mr. Henry, from the committee on benevolent institutions of the State, made the following report:

MR. PRESIDENT:

The committee on the benevolent institutions of the State, to whom was referred a bill entitled "An act fixing the time for the report of the trustees of the Indiana Asylum for educating the deaf and dumb," have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

No. 67. A bill (of the House),

Which was ordered to a third reading.

Mr. Henry moved to take up the report of the trustees of the Indiana Asylum for the insane;

Which was done.

On motion by Mr. Henry,

Said report was referred to the committee on benevolent institutions of the State.

Mr. Beard, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred a petition of the trustees of the Methodist Episcopal Church, in Greenfield, Hancock county, have had that subject under consideration, and directed me to report the following bill, and recommend its passage:

No. 187. A bill to confirm a certain deed to the Methodist Episcopal Church, in Greenfield, Hancock county;

Which was read a first time; and,

The rules were suspended, and the bill read a second and third times and passed.

Leave being granted,

Mr. Osborn, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred a resolution of the Senate, instructing said committee "to inquire into the expediency of so amending existing laws, as to require the several officers having charge of school, seminary, surplus revenue, or any other of the public funds in this State, to pay costs that may be adjudged against them, or either of them, in all suits brought by or against them, in relation to said funds; and that the said costs be

paid out of the proper funds on which such costs accrued;" have considered that subject, and instructed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Jackson, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 177, fixing a certain annual compensation to the auditor of Madison county, have had that subject under consideration, and have directed me to report it back to the Senate, and recommend its passage.

No. 177. A bill (of the Senate),

Which was ordered to a third reading.

Mr. Morgan, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Daniel Dayhuff, have had the same under consideration, and instructed me to report the following bill for the consideration of the Senate, and ask to be discharged:

No. 188. A bill for the relief of Daniel Dayhuff;

Which was read a first time.

On motion by Mr. Morgan,

The rules were suspended, and the bill read a second time, and referred to the committee on claims.

Mr. Allison, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the House No. 123, entitled "A bill to repeal the third section of an act entitled 'an act to provide for the reappraisal of real estate heretofore appraised and subject to taxation, and for other purposes,'" have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

No. 123. A bill (of the House.)

On motion by Mr. Allison,

The rules were suspended, and the bill read a third time and passed.

Mr. Chenowith, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the House No. 159, to authorize the Superintendent of the Wabash and Erie canal to settle with Gookins, Barns, and Thomas, have had that matter under consideration, and have directed me to report it back without amendment, and recommend its passage.

No. 159. A bill (of the House),

Which was ordered to a third reading.

Mr. Holloway, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the House entitled, an act for the improvement of the Cambridge City and Fort Wayne State road in the county of Wells, have examined the same, and have directed me to report it back to the Senate, and recommend its passage.

No. 169. (H. R.)

Which was read a second time and ordered to a third reading.

Mr. Robinson, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 57, entitled, an act to create the 13th judicial circuit, have, according to order, had the same under consideration, and have directed me to report the same back to the Senate, with one amendment, which when adopted, they recommend its passage.

Amend by striking said bill out from the enacting clause, and insert the amendment herewith filed marked (A.)

No. 57. A bill to create the 13th judicial circuit, and to change the time of holding courts in the 3d judicial circuit;

Which was ordered to be engrossed for a third reading.

Mr. Davis, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the House No. 66, to reduce the expenses of Floyd county, have had the same under consideration, and have made two amendments thereto, on the adoption of said amendments, said committee recommend the passage of said bill.

1st. Amendment. Strike out all in the first section after the words "per annum," where they first occur.

2d. Amendment. Add fifty immediately after "hundred" where it first occurs in the second section.

Which amendments were adopted, and said bill, as amended, ordered to be engrossed for a third reading.

Mr. Miller offered the following resolution:

WHEREAS, The Senate have passed a resolution fixing the 18th inst. as the day of final adjournment, leaving but a short time for the completion of the business of the Legislature: AND WHEREAS, It may operate against the interests of some Senators by calling up bills out of their regular order, owing to the time frequently consumed in finding the same: Therefore,

Resolved, That the Senate will not, hereafter, consider any bill out of its regular order, coming from the files.

Which was not adopted.

The following message was received from the House of Representatives, by Mr. Williams, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have passed the following enrolled bill, which originated in the House, by a vote of a majority of all the members of the House of Representatives, notwithstanding the objections of his Excellency, Governor Whitcomb.

No. 153. An act to provide for the completion of the State prison, and for other purposes.

Which I am instructed to bring to the Senate, (together with the objections of his Excellency, Governor Whitcomb,) for the concurrence of the Senate.

Mr. English moved to take up bill No. 153, and the veto message of his Excellency, the Governor, accompanying the return of said bill to the House of Representatives, in which the same originated.

Which was agreed to.

And the question being upon the passage of said bill, said veto notwithstanding,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—23.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cup-

py, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stockwell, Taber, and Waters—24.

So the bill was not passed.

Mr. Clements offered the following resolution:

WHEREAS, It is now apparent to the Senate that the public business cannot be despatched by the 18th day of the present month: Therefore,

Resolved, That the House of Representatives be respectfully requested to return to the Senate the resolution recently passed by it, to adjourn sine die on the 18th instant.

Which was laid on the table.

Mr. Howell moved to reconsider the vote by which bill No. 153, (of the House of Representatives) was not passed.

And the question being,

Shall said vote be reconsidered?

And the ayes and noes being demanded by Messrs. Barbour and Logan thereon,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Clements, Coffin, Conner, Davis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—22.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Milligan, Milliken, Rockhill, Stockwell, Taber, and Waters—22.

The President gave the casting vote in the negative.

So the vote was not reconsidered.

Mr. Clements moved to take from the table joint resolution,

No. 168. (House.) A joint resolution praying confirmation of the selection of lands made in 1843, to aid in completing the Wabash and Erie canal;

Which was referred to the committee on finance.

Mr. Milliken obtained leave for, and made the following report from a select committee:

MR. PRESIDENT:

The select committee to whom was referred bill 104, have had the same under consideration, and as there is strong suspicion that it is an illegitimate child, have directed me to report the same back to

the Senate and recommend that it lie on the table till some friend call for it.

Which report was concurred in, and said bill laid upon the table.
Mr. Orth introduced,

No. 189. A bill to provide for paying the debt and preserving the credit of the State;

Which was read a first time and ordered to a second reading.

The following bills were severally introduced, and read a first time, and ordered to a second reading.

By Mr. Goodenow, bill

No. 190. A bill to abolish the office of school commissioner in Jefferson county;

By Mr. Jackson:

No. 191. A bill extending the provisions of the fiftieth chapter of part third, of the Revised Statutes of 1843, to Hancock county;

By Mr. Winchell:

No. 192. A bill in relation to negroes and mulattoes;

By Mr. Berry of Franklin:

No. 193. A bill to incorporate the Laurel and Moscow Turnpike Company;

On motion by Mr. Taber,

The rules were suspended, and,

No. 135. (House.) A bill authorizing the collection of certain taxes therein named;

Was taken up;

Which was read a second time.

Mr. Taber moved to amend by striking out where it occurs, Richardville, and inserting Howard in lieu thereof.

Which amendment was adopted.

Mr. Taber moved to suspend the rules and read the bill a third time.

The rules were suspended, and the bill read a third time and passed.

The Senate proceeded to the consideration of bills on their third reading.

The following bills were severally read a third time and passed.

No. 40. (House.) A bill to legalize the acts of masters in chancery;

No. 61. (House.) A bill to extend the time of receiving work on road tax in the counties therein named;

No. 62. (House.) A bill to amend an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1842;

No. 76. (House.) A bill defining the width of roads in the counties of Clinton and Tipton;

No. 86. (House.) A bill to extend the benefit of a certain act therein named to the counties of Clinton and Carroll;

No. 118. (House.) A bill amendatory to an act for the relief of Delaware and Grant counties, approved January 13th, 1844;

No. 121. (House.) A bill authorizing the sale of section sixteen, in township number twenty-seven north, range seven east;

No. 131. (House.) A bill authorizing the Secretary of State to make a deed in a certain case;

No. 154. (House.) A bill to amend an act entitled "An act to incorporate the trustees of the Indiana Asbury University, approved January 10, 1837;

No. 114. (House.) A bill to enable executors and administrators to settle estates;

No. 106. (House.) A bill to amend the charter of the Hagerstown Canal Company, and to legalize their acts;

No. 176. (Senate.) A bill for the relief of persons therein named;

No. 52. (House.) A bill to amend the practice in the probate court.

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Leave being granted,

Mr. Hamer introduced,

No. 194. A joint resolution on the subject of arming our light companies with rifles;

Which was read a first time.

On motion by Mr. Hamer,

The rules were suspended, and the joint resolution read a second time.

On motion by Mr. English,

It was then referred to the committee on military affairs.

Mr. English moved that there be a call of the Senate;

Which was ordered.

On motion by Mr. Barbour,

Mr. Ellis was excused from attendance on account of sickness.

On motion by Mr. Edmonston,

The further call was suspended.

The Senate then proceeded to the consideration of the

ORDERS OF THE DAY.

No. 11. (House.) A bill in relation to loaning school funds;

Read a second time.

Mr. Clements moved to refer the bill to the committee on education with instructions to strike out all relating to personal security.

The bill was so referred, and the instructions were not adopted.

No. 132. (Senate.) A joint resolution upon the subject of improving the Wabash river;

Read a second time, and,

On motion by Mr. Berry of Franklin,

Laid upon the table.

No. 133. (Senate.) A joint resolution to the Congress of the United States;

Read a second time, and,

On motion by Mr. Berry of Franklin,

Laid upon the table.

No. 134. (Senate.) A joint resolution relative to the Cumberland road;

Read a second time.

Mr. Berry of Franklin moved to lay the joint resolution upon the table.

And the ayes and noes being demanded thereon by Messrs. Holloway and Davis,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Taber, and Waters—23.

Those who voted in the negative are,

Messrs. Barbour, Beard, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Osborn, Robinson, Simpson, Verbrike, Winchell, and Zenor—21.

So the joint resolution was laid upon the table.

No. 136. (Senate.) A bill to repeal the Morris fraud law;

Read a second time: and,

On motion by Mr. Osborn,

Referred to a select committee of Messrs. Osborn, Holloway, and Taber.

No. 136. (House.) A bill exempting improvements on real estate from taxation in the counties of Kosciusko and Miami;

Read a second time and ordered to a third reading.

No. 137. (House.) A bill to authorize clerks of circuit courts to administer oaths in certain cases;

Read a second time.

On motion by Mr. Murphey,

The bill was referred to the committee on the judiciary.

No. 137. (Senate.) A bill abolishing the office of agent of State;

Read a second time, and,

On motion by Mr. Berry of Franklin,

Laid upon the table.

No. 138. (House.) A bill to locate a State road in Randolph and Wayne counties;

Read a second time, and ordered to a third reading.

No. 139. (Senate.) A bill for the relief of the borrowers of the sinking fund and other trust funds;

Read a second time, and,

On motion by Mr. Davis,

Referred to the committee on the State Bank.

No. 135. A bill (of the Senate) requiring owners or occupiers of mills on Eel river to make and construct a slope in their respective mill-dams;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 141. A bill (of the Senate) to vest the title to land in the heirs, devisees, or assigns, of the purchasers of lands in certain cases;

Which was read a second time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a third time and passed.

No. 142. A bill (of the Senate) requiring travelling merchants and pedlars to take out license before they shall be allowed to sell merchandize and foreign and domestic groceries;

Which was read a second time; and,

On motion by Mr. English,

Referred to a select committee consisting of Messrs. English, Winchell, and Murphey.

No. 143. A joint resolution (of the Senate) relative to the sale of intoxicating liquors to Indians;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 144. A joint resolution (of the Senate) relative to the harbor at Michigan City, the improvement of the navigation of the rivers Ohio and Mississippi, and the completion of the Cumberland road;

Which was read a second time.

Mr. Berry of Franklin moved to lay the joint resolution upon the table;

The ayes and noes being demanded by Messrs. Osborn and Davis,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Marsh, Miller, Milligan, Read, Rockhill, Stewart, Taber, and Waters—22.

Those who voted in the negative are,

Messrs. Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Goodenow, Hamer, Hamrick, Holloway, Milliken, Morgan, Montgomery, Murphey, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—22.

The President gave the casting vote in the affirmative;

So the joint resolution was laid upon the table.

No. 145. A joint resolution (of the Senate) on the subject of the Mexican war;

Which was read a second time.

Mr. Berry of Franklin moved to amend the joint resolution by striking out the following words:

"That in the opinion of this General Assembly, the present difficulties between this Government and that of Mexico, were commenced by the President of the United States, for the purpose of acquiring by conquest territory of the Mexican Government, that the dominions of slavery may be thereby extended, and the powers of slave representation augmented.

"*Be it further resolved,* That however much we may deplore the existence of the present unhappy differences between this government and that of Mexico, and although we believe those difficulties were brought upon us by the ill-advised measures of the present administration, we nevertheless feel disposed to use our influence to bring to an honorable and speedy termination the ill-advised and bloody controversy."

Mr. Edmonston moved that said joint resolution and pending amendment be indefinitely postponed; and,

The ayes and noes being demanded by Messrs. Edmonston and Winchell,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Cuppy, Davis, Day, Edmonston, English, Green, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Montgomery, Murphey, Osborn, Read, Robinson, Rockhill, Stewart, Stockwell, Verbriek, Waters, and Zenor—41.

Those who voted in the negative are,

Messrs. Goodenow, Holloway, Simpson, Taber, and Winchell—5.

So the joint resolution and pending amendment were indefinitely postponed.

The following bills were severally read a second time, and ordered to a third reading:

No. 146. A bill (of the House) to repeal an act entitled "An act changing the time of holding the probate courts in the county of Allen, and for other purposes;"

No. 149. A bill (of the House) authorizing the location of a State road in the counties of Kosciusko and Marshall;

No. 150. A joint resolution (of the House) relative to the duties of the superintendent of the Central Canal;

No. 152. A bill (of the Senate) abolishing the office of justice of the peace in Yorktown, Delaware county;

No. 153. A bill (of the Senate) to vacate a road in the town of Lawrenceburgh;

No. 155. A bill (of the House) to locate a State road from Logansport to Marion, in Grant county;

No. 156. A bill (of the Senate) to repeal an act entitled "An act to incorporate the Morgan county seminary," approved February 7, 1834;

No. 158. A bill (of the House) to amend an act entitled "An act to relocate a portion of the State road leading from Greenfield to Lebanon," approved January 15, 1846;

No. 159. A bill (of the Senate) authorizing the Superintendent of the Wabash and Erie canal to settle with Gookins, Barnes, and Thomas;

No. 160. A bill (of the Senate) to change the name of the town of Canton, in Tipton county;

No. 161. A bill (of the House) for the safe keeping of the records of Ohio county;

No. 167. A bill (of the Senate) to authorize the sale of school lands in Jay county;

No. 167. A bill (of the House) to locate a State road in the counties of Richardville and Carroll;

On motion by Mr. Handy,

The bill was amended by striking out the word "Richardville," and inserting "Howard."

No. 168. A bill (of the Senate) for the relief of purchasers of seminary lands in Gibson and Monroe counties;

No. 147. A bill (of the Senate) to repeal an act therein named;

Which was read a second time; and,

On motion by Mr. Marsh,

Referred to a select committee composed of Messrs. Marsh, Cuppy, and Rockhill.

No. 150. A bill (of the Senate) to authorize the removal of obstructions in Brandywine, in Shelby county;

Which was read a second time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a third time and passed.

No. 156. A bill (of the House),

Which was read a second time; and,

On motion by Mr. English,

Referred to a select committee of Messrs. English, Davis, and Goodenow.

No. 157. A bill (of the Senate) to repeal an act more effectually to enable supervisors to open and keep in repair roads and highways;

Which was read a second time; and,

On motion by Mr. Edmonston,

Referred to the committee on roads.

No. 160. A bill (of the House) declaring an act therein named to be a misprint;

Which was read a second time; and,

On motion by Mr. Edmonston,

Referred to the committee on finance.

No. 161. A bill (of the Senate) to increase the common school fund;

Mr. Davis moved to refer the bill to the committee on the State Bank; and,

The ayes and noes were demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Chenowith, Clements, Coffin, Conner, Davis, Goodenow, Hamer, Hamrick, Holloway, Milliken, Morgan, Murphey, Orth, Osborn, Robinson, Rockhill, Simpson, Taber, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Montgomery, Read, Stewart, Stockwell, Verbribe, and Waters—24.

The President gave the casting vote in the affirmative.

So the bill was so referred.

Mr. Goodenow moved to take from the table,

No. 158. A bill (of the Senate) relating to a settlement made by the Agent of State with Leonard, Woodburn, and others.

Which motion prevailed.

The question recurred upon the adoption of the following pending amendment:

Provided, That in discharging such debt with bonds, they shall pay the difference in par funds between the cash value of bonds now, and at the time they contracted the debt.

Mr. English moved to lay the amendment upon the table;

And the ayes and noes being demanded thereon by Messrs. Berry of Franklin and English,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, English, Goodenow, Hamer, Hamrick, Hollo-

way, Morgan, Murphey, Orth, Robinson, Simpson, Stockwell, Verbribe, Waters, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, Green, Handy, Hardin, Henry, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Montgomery, Osborn, Read, Rockhill, Stewart, and Taber—23.

So the amendment was laid upon the table.

Mr. Edmonston moved that said bill be indefinitely postponed.

And the ayes and noes being demanded by Messrs. Edmonston and Goodenow,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, Handy, Hardin, Henry, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Murphey, Read, Rockhill, Stewart, and Taber—21.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, English, Goodenow, Green, Hamer, Hamrick, Holloway, Howell, Morgan, Montgomery, Orth, Osborn, Robinson, Simpson, Stockwell, Verbribe, Waters, Winchell, and Zenor—27.

So the bill was not indefinitely postponed.

The question then recurring on the engrossment of the bill;

And the ayes and noes being demanded thereon by Messrs. Goodenow and Davis,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, English, Goodenow, Green, Hamer, Hamrick, Holloway, Howell, Morgan, Montgomery, Orth, Robinson, Simpson, Stockwell, Verbribe, Waters, Winchell, and Zenor—26.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, Handy, Hardin, Henry, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Murphey, Osborn, Read, Rockhill, Stewart, and Taber—22.

So said bill was ordered to be engrossed for a third reading.

No. 163. A bill (of the Senate) to amend the 15th chapter of the Revised Statutes ;

Read a second time.

Mr. Handy moved to amend the bill by striking out the first section.

Mr. Barbour moved to refer the bill and pending amendment to the committee on the judiciary.

Mr. Miller proposed the following instructions to said committee:

To amend the first section so far as relates to the county of Crawford, and to leave it discretionary with the school examiners of said county.

The question recurring on referring the bill and amendment to the committee on the judiciary,

The ayes and noes were demanded by Messrs. Handy and Hardin ; and,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Conner, Edmonston, Hamrick, Holloway, Howell, Jackson, Montgomery, Murphey, Orth, Osborn, Robinson, Rockhill, Simpson, Stockwell, Verbrike, Waters, Winchell, and Zenor—20.

Those who voted in the negative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Cuppy, Davis, Day, Goodenow, Green, Hamer, Handy, Hardin, Henry, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Read, Stewart, and Taber—27.

So the bill and amendments were not so referred.

On motion by Mr. Berry of Franklin,

The bill and amendment were then referred to a select committee of Messrs. Berry of Franklin, Berry of Monroe, and Handy.

No. 164. A bill (of the Senate) to authorize county auditors to sell at private sale lands which have been bid in for the use of the school fund.

Read a second time;

Mr. Allison moved to refer the bill to the committee on education.

Which motion did not prevail.

The bill was then ordered to be engrossed for a third reading.

No. 166. A bill (of the Senate) to change a certain State road named therein in the counties of Lawrence and Monroe.

Read a second time.

Mr. Hamer moved to refer the bill to the committee on roads, with instructions to strike out so much as makes Harrodsburg a point in said road.

Which motion did not prevail.

The bill was then ordered to be engrossed for a third reading.

No. 166. A bill (of the House) to locate a State road in the counties of Wells and Adams.

Read a second time, and ordered to a third reading.

No. 170. A bill (of the Senate) to attach additional territory to the county of Crawford, and for other purposes.

Read a second time.

Mr. Zenor moved to refer the bill to the committee on the judiciary.

Pending which,

On motion,

The Senate adjourned.

THURSDAY MORNING, JANUARY 7, 1847.

The Senate assembled.

The journal of the preceding day was read.

The following messages from the House of Representatives, were received by Mr. Ward, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed the following enrolled bills which have originated in the House :

No. 92. An act to amend the first section of an act entitled, an act prescribing the mode of selecting petit jurors in Sullivan county, approved January 6th, 1846 ;

No. 65. An act to amend article 1, of chapter 42, of the Revised Statutes, on the subject of the liens of mechanics and others, on buildings ;

No. 98. An act making an appropriation to pay J. R. Morlridge, a contractor on the Madison and Indianapolis Railroad ;

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the Speaker of the House has signed the following enrolled bills which have originated in the House:

No. 68. An act to authorize the board doing county business in the county of Orange to appoint an appraiser of real estate subject to taxation, at their March term in 1847:

No. 101. An act to secure to Ohio county a share of the common school and surplus revenue funds, and for other purposes;

No. 107. An act to change the names of Francis Anthony Fisher and Minerva Ridge to the names of Francis Anthony Greenwood and Minerva Greenwood;

No. 77. An act to change the name of James Morris Smith to that of James Morris Vestal.

Which I am directed to bring to the Senate for the signature of the President thereof.

Mr. Conner presented the petition of Joshua Ellingwood for a divorce; which

On motion by Mr. Conner,

Was laid on the table.

Mr. Milligan presented the petition of sundry citizens of Jay county on the subject of roads; which

On motion by Mr. Milligan,

Was referred to the committee on roads.

Mr. Waters presented the petition of sundry citizens of Carroll county for a reorganization of the militia; which,

On motion by Mr. Ellis,

Was referred to the committee on military affairs.

Mr. Taber presented the petition of Henry Bliss, a contractor on the Wabash and Erie Canal, for the passage of an act authorizing the superintendent of said canal to pay him for certain work thereon;

On motion by Mr. Taber,

Said petition was referred to the committee on canals and internal improvements.

Mr. Clements presented the petition of John Thomas and others, upon the subject of the evil of doctors' bills;

Mr. Ellis moved to refer said petition to the committee on the benevolent institutions of the State.

Which motion did not prevail.

Mr. Orth moved that said reference be to the committee on agriculture.

Which motion prevailed.

Mr. Osborn presented the petition of sundry citizens of the town of Laporte and county of Laporte, praying amendments to the several acts incorporating said town; which

On motion by Mr. Osborn,

Was referred to a select committee consisting of Messrs. Osborn, Cuppy, and Milligan.

Mr. Clements presented the petition of citizens of Martin county, praying to be attached to the county of Dubois; which,

On motion of Mr. Clements,

Was referred to a select committee composed of Messrs. Clements, Edmonston, and Stockwell.

Mr. Hamer, from the committee on military affairs, made the following report:

MR. PRESIDENT:

The committee on military affairs, to whom was referred No. 194. A joint resolution on the subject of arming our light companies with rifles, have had the same under consideration, and have directed me to report it back to the Senate, without amendment, and respectfully recommend its passage.

The rules were suspended, and the joint resolution read a third time and passed.

Mr. Bowers, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred bill of the House No. 36, entitled "An act authorizing the election of county surveyors, together with a proposed amendment thereto have, according to order, had the same under consideration, and have instructed me to report the same back and recommend, first the adoption of the amendment, and then the indefinite postponement of the bill.

Amendment: *Provided, however,* That no person so elected shall be allowed to enter upon the duties of said office until he shall have given sufficient evidence to the county board of his qualifications to discharge the duties of said office.

Upon the question of adopting said amendment,

The ayes and noes were demanded by two Senators.

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Chenowith, Coffin, Conner, Davis, Day, Ellis, Goodenow, Hamer, Hamrick, Hardin, Holloway, Miller, Morgan, Murphey, Orth, Robinson, Simpson, Stewart, Taber, Verbriek, Waters, Winchell, and Zenor—28.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Clements, Coats, Cuppy, Edmonston, English, Green, Handy, Henry, Howell, Jackson, Logan, Marsh, Milligan, Milliken, Montgomery, Osborn, Read, Rockhill, and Stockwell—21.

So said amendment was adopted.

The question then being upon the indefinite postponement of the bill, and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Bradbury, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Green, Hamer, Hardin, Holloway, Howell, Morgan, Murphey, Orth, Robinson, Simpson, Stockwell, Verbriek, Winchell, and Zenor—23.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Coats, Cuppy, Day, Edmonston, English, Hamrick, Handy, Henry, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Montgomery, Osborn, Read, Rockhill, Stewart, Taber, and Waters—25.

So said bill was not indefinitely postponed.

Mr. Hardin moved to lay the bill on the table; and,

The ayes and noes being demanded thereon,

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Edmonston, Ellis, Goodenow, Green, Hardin, Holloway, Howell, Logan, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, Stockwell, Verbriek, Winchell, and Zenor—26.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Coats, Conner, Cuppy, Day, English, Hamer, Hamrick, Handy, Henry, Jackson, Marsh, Miller, Milligan, Milliken, Osborn, Read, Rockhill, Stewart, Taber, and Waters—23.

So said bill was laid upon the table.

On motion by Mr. Henry,

The following message was taken up:

MR. PRESIDENT:

The House of Representatives have directed me to inform the Senate that the House have passed the following engrossed bill thereof:

No. 284. An act to provide for the further erection of the hospital for the insane, and for other purposes connected therewith. In which the concurrence of the Senate is respectfully requested.

No. 284. (House.)

Which was read a first time.

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a second time.

On motion by Mr. Henry,

It was referred to the committee on the benevolent institutions of the State.

Mr. Winchell moved to take from the table No. 13, a bill of the Senate to repeal certain special laws in force in the 11th judicial circuit.

Said bill was read a second time and the amendments thereto made by the House of Representatives adopted.

Mr. Hamrick offered the following resolution:

Resolved, That the Senate will, the House concurring therein, proceed on Saturday next at two o'clock to the election of State Printer.

Mr. Edmonston moved to lay said resolution on the table.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, Winchell and Zenor—24.

So said resolution was laid on the table.

The following message was received from the House of Representatives by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution:

Resolved, That this House will, the Senate concurring therein, proceed to the election of State Printer, on Tuesday the 12th inst. at half past two o'clock, P. M.;

In which the concurrence of the Senate is respectfully requested.

Mr. Orth moved to reciprocate said resolution.

Mr. Edmonston moved to lay said resolution on the table.

The ayes and noes being demanded upon the question of laying on the table by Messrs. Orth and Edmonston,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Read, Rockhill, Stockwell, Taber, and Waters—23.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbribe, Winchell, and Zenor—25.

So said resolution was not laid on the table.

Mr. Orth insisted upon his motion to reciprocate.

Mr. Edmonston moved to postpone the resolution until, and make it the special order of the day for Monday next at 2 o'clock, P. M.

The ayes and noes being demanded upon such postponement and making such order,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbribe, Winchell, and Zenor—24.

So said resolution was postponed accordingly, and made the special order of the day for Monday next, at 2 o'clock.

Mr. Milligan offered the following resolution:

Resolved, That the judiciary committee be requested to inquire into the necessity and propriety of amending the 99th section, 5th article of the 48th chapter of the Revised Statutes of 1843 so as to extend the provisions of said section to cases where dam or dams are already built;

Which was adopted.

Mr. Jackson offered the following resolution:

Resolved, That the joint committee on the public debt be instructed to inquire into the expediency of including the northern division of the Central canal in this State debt (or Butler) bill, with leave to report;

Which was adopted.

Mr. Orth introduced

No. 195. A joint resolution authorizing the printing of certain acts with the laws of this session;

Which was read a first time and ordered to a second reading.

Mr. Milliken introduced

No. 196. A bill defining the duty of State Agent;

Which was read a first time and ordered to a second reading.

Mr. Waters introduced

No. 197. A bill to amend an act entitled an act to incorporate the West Delphi Bridge Company;

Which was read a first time, and

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a second time, and

On motion by Mr. Waters,

The rules were further suspended, and the bill read a third time and passed,

Mr. English, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 156, have had the same under consideration, and have instructed me to report the same back to the Senate with one amendment, and upon the adoption of which to respectfully recommend its passage.

Amend by adding the following section:

SEC. —. That in case any township shall fail or refuse to receive the township funds belonging to said township, it shall be the duty of the said school commissioner to deliver over to the treasurer of said county, who shall receipt therefor, all moneys belonging to such township; also, all bonds, mortgages, notes, and other securities of every description, for money, or property, due, or to become due, to such township, or to any person or body corporate, for the use of the same, and all papers of every description, and the receipt of said county treasurer shall be filed and recorded, and be of like force and effect as provided in the third section of this act:

And it is hereby made the duty of said county treasurer to receive all such money, bonds, mortgages, notes, and other securities, and also, all such papers belonging to townships failing to accept their portion of the township fund: and the county treasurer shall have the management of the funds belonging to such township, and shall perform all the duties in relation thereto, as are now required to be performed by the school commissioner, and shall receive the same compensation as that provided by law for school commissioner for similar services.

Which amendment was adopted;

And the bill, as so amended, was ordered to a third reading.

Mr. Murphey, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report, that on the 7th day of January, A. D. 1847, they presented to his Excellency, the Governor, for his approbation and signature bills of the House Nos. 107, 77, 68, 65, 92, 98, and 101.

Mr. Goodenow introduced,

No. 198. A bill to provide for the distribution of the three per cent. fund;

Which was read a first time and ordered to a second reading.

On motion by Mr. Edmonston,

The following message from the House of Representatives was taken up.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 110. An act to change the time of holding courts in the 7th judicial circuit;

No. 142. An act requiring the supervisors of roads in Sullivan county to make report at the March Term in each year, and for other purposes;

No. 307. An act changing the time of holding the probate court in the county of St. Joseph;

No. 312. An act fixing the time of holding courts in the 8th judicial circuit;

In which the concurrence of the Senate is respectfully requested.

No. 110, in said message,

Was read a first time;

On motion by Mr. Ellis,

The rules were suspended, and the bill referred to a select committee

of the Senators residing in said circuit; Mr. Ellis being appointed chairman.

Nos. 142, 312, and 507,

Were severally read a first time, and ordered to a second reading.

The following message from the House of Representatives was taken up.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has signed the following enrolled bills thereof:

No. 22. An act to amend an act entitled, "an act for the relief of Ann Frankbower," approved January 15, 1844;

No. 24. An act repealing all laws allowing docket fees except in certain cases;

No. 26. An act in relation to road tax in the county of Elkhart;

No. 25. An act changing the time of holding the probate court of the county of Delaware;

No. 29. An act to establish a State road on a portion of the dividing line of the counties of De Kalb and Steuben;

No. 48. An act relating to the probate court in Allen county;

No. 82. An act to repeal an act therein named so far as the county of Shelby is concerned;

Which I am directed to bring to the Senate for the signature of the President thereof.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House of Representatives have passed the following engrossed bills and joint resolution of the Senate, without amendment:

No. 111. An act extending the time of holding the several terms of the probate court of Vanderburgh county;

No. 4. An act authorizing the township of Lawrenceburgh, in Dearborn county, to construct a turnpike road in said township;

No. 8. An act entitled an act to amend an act to incorporate the City of Richmond, Wayne county, Indiana, approved February 20, 1840;

No. 20. An act in relation to supervisors in the county of Daviess;

No. 25. An act to change the name of Frances Ann Fisher to Frances Ann Smith;

No. 29. An act for the benefit of the volunteers for the Mexican war, and for the relief of county treasurers;

No. 33. An act to authorize the Governor of the State to order a special election for Representatives in Congress in certain cases;

No. 45. An act to authorize clerks of circuit courts to issue writs to other counties in certain cases;

No. 49. An act relative to allowances to guardians;

No. 50. A joint resolution in relation to furnishing a copy of the lands selected by the State for the completion of the Wabash and Erie Canal;

No. 51. An act for the relief of purchasers of seminary lands in Gibson and Monroe counties;

No. 53. An act to authorize Nelson Conner of the county of Grant, and State of Indiana, to maintain and keep up a mill dam across the Mississinewa river;

No. 58. An act repealing an act entitled, an act providing for removing obstructions in Buck Creek, in Henry county;

No. 59. An act to vacate a part of a certain State road in the county of Ripley;

No. 66. An act to facilitate the building of school-houses in the county of Dearborn;

No. 69. An act changing the time of holding courts in the 11th judicial circuit;

No. 76. An act to change the mode of doing county business in Decatur county;

No. 82. An act to prevent county treasurers and other officers from purchasing certain real estate;

No. 85. An act to amend an act entitled "An act to incorporate the town of Jeffersonville," approved January 28th, 1839, and the amendments thereto;

No. 88. An act to repeal a certain act therein named;

No. 95. An act to legalize the election of trustees for the corporation of the town of Greensboro', Henry county;

No. 98. An act to authorize Malon Waldron and Caleb Boots to maintain and keep up a mill-dam in Grant county;

No. 99. An act in relation to retailing intoxicating liquors in Wayne county;

No. 104. An act to vacate a certain alley in the town of Putnamville;

No. 121. An act amendatory of an act in relation to the auditor of Warrick county;

The House have also passed the following engrossed bills of the Senate, with amendments:

No. 12. An act relative to the execution of decrees in chancery;

No. 34. An act to extend the time of working out the road tax in the several counties therein named;

No. 46. An act to increase the number of pilots at the falls of the Ohio river;

No. 64. An act for the relief of David Burr;

No. 103. An act to give additional time to the probate courts in Monroe county;

In which amendments the concurrence of the Senate in respectfully requested.

The House have also passed the following engrossed bills and joint resolutions thereof:

No. 152. An act to amend the 48th chapter, article fifth of the Revised Statutes of 1843, in regard to writs of *ad quod damnum*;

No. 181. An act for the protection of the property of married women;

No. 194. An act to exempt certain property from taxation;

No. 199. An act for the relief of Dempsey Linton, of Randolph county;

No. 206. An act in relation to road districts in the county of Huntington;

No. 202. An act to amend chapter one of the Revised Statutes of 1843;

No. 207. An act to locate a State road in the counties of Wells, Blackford, and Jay, in the State of Indiana;

No. 209. An act to more particularly define the boundary line between the counties of Gibson and Warrick;

No. 210. An act to legalize the election of trustees of the town of Vernon, in Jennings county;

No. 211. An act entitled an act to repeal an act regulating road tax in the county of Jasper;

No. 213. An act to establish a certain State road therein named;

No. 214. An act to amend section 128, chapter sixteen, Revised Statutes of 1843;

No. 215. An act to amend an act entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter," and also acts amendatory thereto;

No. 217. An act fixing the time of holding the terms of the probate court in the county of Marion;

No. 218. An act to amend an act to extend the provisions to Madison county;

No. 219. An act to appropriate necessary means for the execution of the laws in arresting or recapturing fugitives from justice;

No. 220. A joint resolution of the General Assembly of the State of Indiana;

No. 222. An act to amend section 414, of chapter forty, of the Revised Statutes of 1843, relative to the advertising of real estate at sheriff's sales;

No. 224. An act relative to granting letters of guardianship;

No. 225. An act to compel non-residents to pay a road tax equal to that of residents;

No. 226. An act to vacate certain streets and alleys in Cambridge City;

No. 227. An act for the relief of William Taggart and his securities;

No. 228. An act to legalize the proceedings of the board of commissioners of Adams county, and for other purposes;

No. 229. An act for the relief of the purchasers of saline lands in Orange county;

No. 235. An act to legalize the acts of the board of county commissioners of Sullivan county, and the auditor thereof, and for other purposes;

No. 238. An act to amend the turnpike road charter from Cambridge City to Muncietown, approved January 11, 1845;

No. 239. An act to provide for electing supervisors by districts in the counties of Wabash and Boone;

No. 240. An act to incorporate the Christian Church, on White river, in Stoney creek township, Randolph county, Indiana;

No. 243. An act to authorize the receiving of road tax separate from other tax or taxes;

No. 244. An act to amend the charter of Cambridge City, Wayne county, Indiana;

No. 271. An act to amend the eighth section of an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831;

No. 275. An act to incorporate the Greenfield and Shelbyville railroad company;

No. 279. An act to extend the jurisdiction of justices of the peace in Lagrange county;

In which the concurrence of the Senate is respectfully requested.

The following House bills in said message mentioned, were severally read a first time and ordered to a second reading, viz:

Nos. 206, 202, 207, 210, 211, 213, 214, 218, 222, 230, 235, 239, and 275.

No. 152, in said message, was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

No. 181 was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

No. 194 was read a first time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a second time, and referred to the committee on finance.

No. 199 was read a first time.

On motion by Mr. Milligan,

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Milligan, Day, and Miller.

No. 209 was read a first time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a second and third times and passed.

No. 215 was read a first time.

On motion by Mr. Milliken,

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Milliken, Handy, and Goodenow.

No. 217 was read a first time.

On motion by Mr. Stewart,

The rules were suspended, and the bill read a second time, and referred to a select committee composed of Messrs. Stewart, Handy, and Henry.

No. 219 was read a first time.

On motion by Mr. Read,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

No. 220 was read a first time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the joint resolution read a second time.

Mr. Ellis moved to refer the joint resolution to the committee on federal relations, with instructions to inquire into its nationality and constitutionality.

On motion by Mr. Handy,

The instructions were laid upon the table.

The question recurring upon referring the same to the committee on federal relations,

It was decided in the negative.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the joint resolution read a third time and passed.

No. 224 was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

No. 225 was read a first time.

On motion by Mr. Morgan,

The rules were suspended, and the bill read a second time, and referred to the committee on roads.

No. 226 was read a first time;

On motion by Mr. Logan,

The rules were suspended, and the bill read a second and third times, and passed.

No. 227 was read a first time;

On motion by Mr. Montgomery,

The rules were suspended, and the bill read a second and third times, and passed.

No. 228 was read a first time;

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a second and third times, and passed.

No. 238 was read a first time;

On motion by Mr. Handy,

The rules were suspended, and the bill read a second time and referred to the committee on corporations.

No. 240 was read a first time;

On motion by Mr. Barbour,

The rules were suspended, and the bill read a second time, and

On motion by Mr. Milliken,

Referred to the committee on corporations.

No. 243 was read a first time;

On motion by Mr. Murphey,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

No. 244 was read a first time;

On motion by Mr. Morgan,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

No. 271 was read a first and second times, the rules being suspended, and

On motion by Mr. Murphey,

Laid upon the table.

No. 279 was read a first and second times, the rules being suspended, and

On motion by Mr. Hamrick,

Referred to the committee on the judiciary.

Mr. Osborn moved to take from the table,

No. 271. A bill (of the House) to amend an act regulating the fees and salaries of the several officers therein named;

Which motion prevailed.

On motion by Mr. Montgomery,

The rules were suspended, and the bill read a third time, and passed.

The amendment of the House to Senate bill No. 12, in said message, was concurred in by the Senate.

The following amendment to bill of the Senate No. 34, was concurred in by the Senate, viz.:

Amend by striking out the county of Kosciusko.

Senate bill, No. 46, was amended by the House of Representatives by striking out the word "one," in the fourth line of the first section, and inserting in lieu thereof the word "two."

Mr. Read moved to lay the bill and amendment upon the table;

And the ayes and noes being demanded thereon by two Senators:

Those who voted in the affirmative are,

Messrs. Davis, Hardin, Holloway, Howell, Jackson, Logan, Miller, Milligan, Read, Waters, and Winchell—11.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Day, Edmonston, Ellis, English, Goodenow, Green, Hamer, Hamrick, Handy, Henry, Marsh, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Rockhill, Simpson, Stewart, Taber, Verbriake, and Zenor—36.

So the bill and amendment were not laid on the table.

The question then recurring upon concurring in the amendment of the House;

The ayes and noes were demanded thereon by two Senators:

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Chenowith, Clements, Coats, Conner, Cuppy, Day, Edmonston, Ellis, English, Green, Hamer, Hamrick, Handy, Henry, Holloway, Jackson, Logan, Marsh, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Stewart, Taber, Verbriake, Waters, and Zenor—37.

Those who voted in the negative are,

Messrs. Beard, Bradbury, Coffin, Goodenow, Hardin, Howell, Miller, Read, Rockhill, and Winchell—10.

So the amendment was concurred in.

On motion by Mr. Taber,

The vote was reconsidered by which the amendment to Senate bill No. 12, was concurred in.

On motion by Mr. Taber,

The amendment was then concurred in with an amendment:

The amendments of the House to Senate bills No. 64 and 103, were concurred in by the Senate.

On motion,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met.

BILLS ON THIRD READING.

No. 57. Bill (of the Senate) to create the thirteenth judicial circuit, and change the times of holding courts in the eleventh circuit;

Which was read a third time.

Mr. Berry of Franklin moved a call of the Senate.

Which was ordered.

Mr. Milliken moved to suspend the call.

Which motion did not prevail.

Mr. Bowers moved to dispense with the further call.

Which motion prevailed.

The question then being on the passage of said bill:

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Ellis, Goodenow, Holloway, Milligan, Milliken, Morgan, Montgomery, Murphey, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Cuppy, Day, Edmonston, English, Green, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Read, Rockhill, Stewart, and Taber—21.

So said bill was passed.

Mr. Berry of Franklin moved to amend the title of said bill so as to read, "A bill to provide for an unnecessary expense from the State Treasury;"

And the ayes and noes being demanded thereon by Messrs. Berry of Franklin and Hardin:

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Edmonston, Handy, Hardin, Jackson, Logan, and Taber—8.

Those who voted in the negative are,

Messrs. Barbour, Beard, Bowers, Bradbury, Chenowith, Clements,

Coats, Coffin, Conner, Cuppy, Davis, Day, Ellis, English, Goodenow, Hamer, Hamrick, Henry, Holloway, Howell, Marsh, Miller, Milligan, Milliken, Morgan, Montgomery, Murphey, Osborn, Read, Robinson, Rockhill, Simpson, Verbriek, Winchell, and Zenor—35.

So said bill was not so amended.

No. 66. A bill (House) to reduce the expenses of Floyd county.

Mr. Davis moved to amend the bill by adding to the second section, "nothing herein contained shall be so construed as to deprive said auditor of the perquisites now received from individuals."

Which amendment was adopted by unanimous consent.

And said bill as so amended was passed.

No. 67. A bill (House) fixing the time for the report of the trustees of the Indiana Asylum for educating the deaf and dumb.

Which was read a third time and passed.

No. 103. A bill (House) to repeal an act, entitled "An act for the protection of wild fruit growing on the public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko," approved January 13, 1844, so far as relates to the county of Pulaski;

Which was read a third time and passed.

No. 131. A joint resolution (of the Senate);

Mr. Barbour moved to amend the preamble of said joint resolution as follows:

Strike out the words "declare war against," and insert "recognizing the existence of war with."

Also amend first resolution by striking out "declaration of war as was made," and substitute "act recognizing the existence of war with Mexico passed;" also strike out the words "against the government of Mexico."

Which amendments were not adopted.

Mr. Berry of Franklin then moved to recommit to the committee on federal relations, said joint resolution with instructions to make the amendments proposed by Mr. Barbour, as aforesaid.

Mr. Davis moved to amend said instructions so as to require the committee to strike out all that part of the first resolution that refers to the President;

Pending which,

Mr. Read moved the previous question;

Which was seconded.

Mr. Osborn asked to be excused from voting on the main question.

And upon the question of excusing Mr. Osborn,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Cuppy, Davis, Edmonston, Ellis, English, Goodenow, Green, Hamer, Henry, Holloway, Howell, Jackson, Marsh, Milligan, Milli-

ken, Morgan, Montgomery, Murphey, Orth, Read, Rockhill, Simpson, Stockwell, Taber, Verbriek, Waters, Winchell, and Zenor—35.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Day, Handy, Hardin, Miller, and Stewart—8.

So Mr. Osborn was excused from voting.

Said main question recurring,

"Shall the joint resolution pass?"

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Cuppy, Davis, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Marsh, Miller, Milligan, Milliken, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—25.

Those who voted in the negative are,

Messrs. Beard, Bowers, Bradbury, Chenowith, Coffin, Conner, Ellis, Goodenow, Hamer, Holloway, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, Verbriek, Winchell, and Zenor—19.

So said joint resolution was passed.

Mr. Davis moved to reconsider the vote by which said joint resolution was passed.

Pending which,

On motion,

The Senate adjourned.

FRIDAY MORNING, JANUARY 8, 1847.

The Senate assembled.

The journal of the preceding day was read.

Leave being granted,

Mr. Milliken offered the following resolution:

WHEREAS, The 8th day of January has been rendered memorable in the annals of our history on account of the glorious achievements of our arms at New Orleans: therefore,

Resolved, That the Senate will, the House concurring, when it adjourns, adjourn over till to-morrow morning.

On motion by Mr. Berry of Franklin,

The resolution was laid upon the table.

Mr. Rockhill, chairman of the committee on elections, made the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred the petition of R. Goodwing and other citizens of the county of Daviess, praying that a law may be passed so that each and every voter may vote in his own township, or at the county seat of said county, have had that subject under consideration, and have directed me to make the following report: That the Senate have, within the last few days, acted on a bill similar in its effects to the one prayed for by the above petitioners, and that, on motion, said bill was indefinitely postponed. The committee, therefore, report the said petition back to the Senate and recommend that it be laid on the table, and that the committee be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Clements, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred a resolution of the Senate instructing them to inquire into the expediency of so amending the law that widows shall have the right to take and enjoy one hundred and fifty dollars worth of property allowed them, without incurring so much expense as now required, have had the same under consideration, and have directed me to report the following bill and recommend its passage.

No. 199. A bill to allow widows to avail themselves of the law allowing them one hundred and fifty dollars of their husbands' effects;

Which was read a first time, and ordered to a second reading.

Mr. Berry of Franklin, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred bill of the House No. 240, entitled "A bill to incorporate the Christian Church on White river, in Stoney Creek township, Randolph county, Indi-

ana," have had that subject under consideration, and directed me to report it back to the Senate and recommend its passage.

On motion by Mr. Berry of Franklin,

The rules were suspended, and the bill read a third time and passed.

Mr. Henry, chairman of the committee on the benevolent institutions of the State, made the following report:

MR. PRESIDENT:

The committee on the benevolent institutions of the State, to whom was referred a bill of the House entitled "An act to provide for the erection of the hospital for the insane, and for other purposes connected therewith," and also the report of the commissioners and superintendent of the hospital for the insane, have had said bill and report under consideration and directed me to report said bill back to the Senate and recommend its passage, and also directed me to return said report to the Senate, and ask that said committee be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Logan moved to amend said bill by striking out of the first section thereof so much as provides for five commissioners, and inserting "three."

Mr. Rockhill moved to recommit the bill and amendment to a select committee.

And the ayes and noes being demanded thereon by Messrs. Montgomery and Rockhill,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Coats, Day, English, Green, Hamer, Handy, Hardin, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Read, Robinson, Rockhill, Stewart, Waters, and Zenor—21.

Those who voted in the negative are,

Messrs. Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Edmonston, Ellis, Goodenow, Hamrick, Henry, Holloway, Howell, Morgan, Montgomery, Murphey, Orth, Osborn, Simpson, Verbribe, and Winchell—24.

So the bill and amendment were not so recommitted.

Mr. Milliken then proposed to amend the amendment of Mr. Logan as follows:

Insert in the proper place, "that the three commissioners shall be

composed as follows: One physician and two practical architects or builders."

Mr. Clements proposed to amend said amendment by striking out "two architects or builders," and inserting "one lawyer and one architect;"

Which was accepted as a modification by Mr. Milliken.

On motion by Mr. Orth,

The several amendments were laid upon the table.

Mr. Miller then proposed to amend the 7th section of the bill by striking out "6000," and inserting "4000."

Mr. Hamrick moved to lay the amendment upon the table;

Which motion prevailed.

Mr. Orth offered the following amendment to the bill:

Amend the 2d section by striking out after the word "appoint," the words "upon the nomination of the superintendent."

Mr. Miller moved to lay the amendment upon the table;

Pending which motion,

Mr. Edmonston moved the previous question,

Which was seconded by the Senate.

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The main question being,

"Shall the bill be ordered to a third reading?"

It was so ordered.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills thereof:

No. 119. An act to amend an act entitled, an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter;

No. 122. An act authorizing the State Bank of Indiana to lay off, plat and record in out lots, certain lands adjoining and laying near to the town of South Bend, St. Joseph county;

No. 128. An act to regulate the mode of doing county business in the county of Harrison;

No. 143. An act for the improvement of highways in Bartholomew county;

Which I am directed to bring to the Senate for the signature of the President thereof.

Which were accordingly signed by the President.

Mr. Milliken, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 215, have had the same under consideration, and have instructed me to report it back to the Senate with the following amendment:

Amend the 31st section by adding after the word "repealed" in the sixth line of said section, the following words:

"So far as relates to the City of Madison."

Which report was concurred in, and the amendment adopted.

On motion by Mr. Milliken,

The rules were suspended, and the bill, as amended, was read a third time and passed.

Mr. Murphey, chairman of the committee on enrolled bills, made the following reports:

MR. PRESIDENT:

The committee on enrolled bills have compared engrossed bill of the Senate No. 46, with the enrolled, and find it correctly enrolled.

MR. PRESIDENT:

The committee on enrolled bills report that, on the 8th day of January, 1847, they presented to His Excellency, the Governor, for his approbation and signature, bills of the House Nos. 119, 122, 128, and 143.

Mr. Bowers, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 10, entitled a bill to provide for the publication of certain acts of the last session of the Legislature, which were not printed with the acts of that session, have had the same under consideration, and have instructed me to report the same with one amendment, and recommend the adoption of the same, and the passage of the bill.

Amend by striking out the bill from the enacting clause, and insert the following:

No. 10. A bill to provide for the printing of certain acts therein named;

Which report was concurred in, and the amendment adopted.

On motion by Mr. Davis,

The bill was then laid upon the table.

Mr. Holloway, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred Senate bill No. 136, have considered that subject, and instructed me to report it back to the Senate with the following amendment, and when so amended, to recommend its passage; and said committee ask to be discharged from the further consideration thereof.

Strike out from the enacting clause, and insert the following:

That the 2d section of an act entitled, "an act amending the 218th section of the Revised Code, chapter 13, and page 267," approved January 20, 1846, be, and the same is hereby, repealed.

Amend the title by striking out all after the words "repeal the," and insert in lieu thereof the following: "second section of an act entitled, an act amending the 218th section of the Revised Code, chapter 13, and page 267."

On motion by Mr. Rockhill,

The bill and proposed amendments were laid upon the table.

Mr. Howell offered the following resolution:

Whereas, the last year has been one of unusual labor for those State officers connected with the military affairs of Indiana: And whereas, the Secretary of State had to fill up, countersign, seal, and record an unusual number of commissions, which were ordered by the Adjutant General: Therefore,

Be it resolved, That the committee on finance be instructed to inquire whether the Secretary of State is, or is not, entitled to additional compensation for said extra services, and to report by bill or otherwise.

Which was adopted.

Mr. Morgan offered the following resolution:

Resolved, That the committee on benevolent institutions be instructed to inquire into the expediency of making the deaf and dumb asylum free to the children of all persons who shall produce the certificate of their county auditor certifying that the taxable property of such person does not exceed two thousand dollars in value, as appears by the duplicate of assessments in such county.

Which was adopted.

Mr. Chenowith introduced

No. 200. A joint resolution in relation to the Wabash and Erie Canal.

Which was read a first time, and ordered to a second reading.

Mr. Handy introduced

No. 201. A joint resolution providing for the Public Printing.

Which was read a first time, and ordered to a second reading.

Mr. Berry of Franklin introduced

No. 202. A joint resolution to suspend the operation of a certain act therein named.

Which was read a first time, and ordered to a second reading.

Mr. Milliken moved to take from the table the resolution providing that when the Senate adjourns it adjourn until to-morrow morning, 9 o'clock.

Which motion prevailed.

The question recurring on the adoption of the resolution,

The ayes and noes were demanded thereon by Messrs. Davis and Orth:

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Berry of Monroe, Coffin, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Marsh, Miller, Milliken, Osborn, Read, Rockhill, and Zenor—20.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Chenowith, Clements, Coats, Conner, Davis, Goodenow, Hamer, Hamrick, Holloway, Logan, Milligan, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, Stewart, Verbriek, Waters, and Winchell—24.

So the resolution was not adopted.

Mr. Marsh introduced

No. 203. A bill to authorize the suing out a writ of *ad quod damnum* in a certain case therein named.

Which was read a first time, and ordered to a second reading.

Leave being granted,

Mr. Berry of Monroe offered the following resolution:

Resolved, That when the Senate adjourns it will adjourn to meet to-morrow morning, 9 o'clock.

On the adoption of the resolution,

The ayes and noes being demanded by Messrs. Davis and Orth:

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Berry of Monroe, Coffin, Day, Edmonston, English, Green, Hardin, Henry, Howell, Jackson, Marsh, Osborn, Read, Rockhill, Stewart, and Winchell—18.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Bowers, Bradbury, Chenowith, Clements, Coats, Conner, Davis, Goodenow, Hamer, Hamrick, Handy, Holloway, Logan, Milligan, Milliken, Morgan, Montgomery,

Murphey, Orth, Robinson, Simpson, Verbriek, Waters, and Zenor—26.

So the resolution was not adopted.

On motion,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Leave being granted,

Mr. Jackson introduced

No. 204. A bill to amend the 13th article of the 13th chapter of the Revised Statutes of 1843, as to Madison county;

Which was read a first time.

On motion by Mr. Jackson,

The rules were suspended, and the bill read a second time and ordered to be engrossed for a third reading.

On motion by Mr. Robinson,

Messrs. Bowers, Goodenow, and Waters were added to the select committee heretofore appointed to consider a resolution of the Senate relative to the Michigan road.

Mr. Logan moved to take from the table

No. 10. A bill (of the Senate) relative to the printing of certain laws therein named;

Which motion prevailed.

Mr. Logan then moved to amend the first section of the bill, by adding thereto the following:

"And 'An act to change that part of the New Albany and Crawfordville McAdamized road which lies between Salem and New Albany to a railroad, to be constructed by a private company.'"

Which amendment was adopted; and

The bill, as amended, ordered to be engrossed for a third reading.

Mr. Clements moved to take from the table, and place in the orders of the day,

No. 129. A bill (of the Senate) to divorce David Raleigh from his wife Jane;

Which motion prevailed.

The Senate then proceeded to the consideration of the

ORDERS OF THE DAY.

The first thing in order being the motion of Mr. Davis to reconsider the vote by which was passed a joint resolution of the Senate

expressing the approbation of the General Assembly as to the Mexican war;

Mr. Davis withdrew his motion to reconsider.

Leave being granted,

Mr. Davis introduced

No. 205. A joint resolution in relation to treasury notes, or Bank scrip;

Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the joint resolution read a second time and referred to the committee on the State Bank.

The following message from the House of Representatives was then taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 60. An act to fix the time of holding courts in the tenth judicial circuit;

No. 237. An act to provide for the election of prosecuting attorneys by the people in the several counties.

In which the concurrence of the Senate is respectfully requested.

The House have also passed the following engrossed bill of the Senate without amendment:

No. 127. A bill for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary to the Sinking Fund of the State, and for other purposes.

Bill No. 60, in said message,

Was read a first time.

On motion by Mr. Clements,

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Clements, Allison, Parks, Berry of Monroe, and Hamer.

No. 237, was read a first time.

On motion by Mr. Beard,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

BILLS ON THIRD READING.

No. 136. A bill (of the House) exempting improvements on real estate from taxation in the counties of Kosciusko and Miami;

Read a third time; and,

On motion by Mr. Marsh,

Laid upon the table.

The following bills were severally read a third time and passed, to-wit:

No. 135. A bill (of the Senate) requiring owners and occupiers of mills on Eel river to make and construct a slope in their respective mill-dams;

No. 138. (House.) A bill to locate a State road in Randolph and Wayne counties;

No. 159. A bill (of the House) to amend the 8th section of an act regulating the fees and salaries of the several officers and persons therein named;

No. 143. A joint resolution (of the Senate) relative to the sale of intoxicating liquors to Indians;

No. 146. A bill (of the Senate) to amend an act entitled, "an act to incorporate the Richmond Turnpike Company," approved January 15, 1844;

No. 149. A bill (of the House) authorizing the location of a State road in the counties of Kosciusko and Marshall;

No. 150. A joint resolution (of the Senate) relative to the duties of the superintendent of the Central Canal;

No. 152. A bill (of the Senate) abolishing the office of justice of the peace in Yorktown, Delaware county;

No. 153. A bill (of the Senate) to vacate a road in the town of Lawrenceburgh;

No. 155. A bill (of the House) to locate a State road from Logansport to Marion, in Grant county;

No. 158. A bill (of the House) to amend an act entitled "An act to relocate a portion of the State road leading from Greenfield, in Hancock county, to Lebanon, in Boone county," approved January 15, 1846;

No. 159. A bill (of the House) authorizing the Superintendent of the Wabash and Erie canal to settle with Gookins, Barnes, and Thomas;

No. 160. A bill (of the Senate) to change the name of the town of Canton, in Tipton county;

No. 161. A bill (of the House) for the safe keeping of the records of Ohio county;

No. 164. A bill (of the Senate) to authorize county auditors to sell at private sale lands which have been bid in for the use of the school fund.

On motion by Mr. Beard,

The vote was reconsidered by which said bill was passed.

The bill was, however, passed.

No. 166. A bill (of the House) to locate a State road in the counties of Wells and Adams;

No. 166. A bill (of the Senate) to change a certain State road named therein in the counties of Lawrence and Monroe.

No. 167. A bill (of the Senate) to authorize the auditor and school commissioner of Jay county to sell a certain school section therein named;

No. 167. A bill (of the House) to locate a State road in the counties of Richardville and Carroll;

On motion by Mr. Rockhill,

The bill was amended by the unanimous consent of the Senate, by striking out the word "Richardville," wherever it occurs in said bill, and inserting "Howard."

The bill was then passed.

No. 168. A bill (of the Senate) for the relief of purchasers of seminary lands in Gibson and Monroe counties;

No. 169. A bill (of the House) for the improvement of the Cambridge City and Fort Wayne State road, in the county of Wells;

No. 156. A bill (of the Senate) to repeal an act entitled "An act to incorporate the Morgan county seminary," approved February 7, 1838;

No. 146. A bill (of the House) to repeal an act entitled "An act changing the time of holding the probate courts in the county of Allen, and for other purposes," approved December 22, 1845;

Read a third time; and,

On motion by Mr. Rockhill,

Laid upon the table.

No. 148. A bill (of the Senate) relative to the appointment of guardians;

Read a third time; and,

On motion by Mr. Orth,

Laid upon the table.

No. 158. A bill (of the Senate) relating to a settlement made by the Agent of State with Leonard, Woodburn, and others.

Read a third time.

On the passage of the bill,

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, English, Goodenow, Green, Holloway, Morgan, Orth, Osborn, Robinson, Simpson, Stewart, Stockwell, Verbrake, Winchell, and Zenor—23.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Montgomery, Murphey, Read, Rockhill, and Waters—22.

So the bill was passed.

On motion by Mr. Read,
Senate bill,

No. 148, relative to the appointment of guardians,

Was taken from the table, and referred to the committee on the judiciary.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed the following enrolled bill:

No. 127. An act for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary to the Sinking Fund of the State, and for other purposes.

Which I am directed to bring to the Senate for the signature of the President thereof.

And the President accordingly signed said bill.

BILLS ON SECOND READING.

The first thing in order being a motion which was pending of Mr. Zenor, to refer to the committee on the judiciary, Senate bill,

No. 170. Relative to attaching additional territory to the county of Crawford,

Mr. Miller moved there be a call of the Senate,

Which was ordered.

The question being on sending for the absentees,

The ayes and noes were demanded thereon by two Senators; and

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, Green, Handy, Henry, Jackson, Logan, Marsh, Miller, Milligan, Montgomery, Read, Rockhill, Stewart, and Waters—19.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Clements, Conner, Davis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Orth, Osborn, Robinson, Simpson, Winchell, and Zenor—18.

And the absentees were sent for.

On motion by Mr. Rockhill,

The further call was dispensed with.

Mr. Rockhill moved that the Senate do now adjourn;

And the ayes and noes being demanded thereon by Messrs. Davis and Holloway,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Edmonston, English, Handy, Jackson, Marsh, Miller, Montgomery, Orth, Rockhill, and Winchell—11.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Conner, Davis, Day, Goodenow, Hamer, Hamrick, Hardin, Henry, Holloway, Logan, Milligan, Milliken, Morgan, Murphey, Osborn, Read, Robinson, Simpson, Stewart, Verbriek, Waters, and Zenor—31.

So the Senate refused to adjourn.

On motion by Mr. Davis,

The bill was laid upon the table.

No. 170. A bill (of the House) for the better protection of religious assemblies;

Read a second time, and ordered to a third reading.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared engrossed bill of the Senate No. 127, with the enrolled, and find it correctly enrolled.

Leave being granted,

Mr. Stewart offered the following resolution:

Resolved, That the House of Representatives be requested to return to the Secretary of the Senate, bill of the Senate No. 158, entitled "A bill for the relief of King and others," this day reported to that body.

Mr. Davis moved to lay said resolution upon the table; and,

The ayes and noes being demanded thereon by Messrs. Davis and Stewart,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Goodenow, Holloway, Morgan, Murphey, Orth, Osborn, Robinson, Simpson, Stockwell, Verbriek, Waters, Winchell, and Zenor—22.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, Hamer, Hamrick, Handy, Hardin, Henry,

Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Montgomery, Read, Rockhill, and Stewart—23.

So the resolution was not laid upon the table.

The question then recurring upon the adoption of the same; and,

The ayes and noes being demanded by Messrs. Goodenow and Stewart,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Cuppy, Day, Edmonston, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Montgomery, Read, Rockhill, and Stewart—23.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, English, Goodenow, Holloway, Morgan, Murphey, Orth, Osborn, Robinson, Simpson, Stockwell, Verbriek, Waters, Winchell, and Zenor—23.

The President gave the casting vote in the affirmative;

And the resolution was adopted.

No. 171. A bill (of the Senate) subjecting pedlars in Dearborn county to take out licenses for one year;

Which was read a second time; and,

On motion by Mr. Milliken,

Referred to a select committee of Messrs. Milliken, Berry of Franklin, and Robinson.

On motion by Mr. Milliken,

The petition on the same subject was referred to the same committee.

No. 171. A bill (of the House) to relocate a portion of the State road in Carroll county;

Which was read a second time, and ordered to a third reading.

Mr. Miller moved to take from the table bill of the Senate No. 170, relative to attaching additional territory to the county of Crawford;

Which motion did not prevail.

No. 172. A bill (of the Senate) fixing an annual compensation to the auditor of Delaware county;

Read a second time and ordered to be engrossed for a third reading.

No. 173. A bill (of the Senate) for the relief of Susan E. Bruner, of the county of Washington;

Which was read a second time and ordered to be engrossed for a third reading.

No. 174. A bill (of the Senate) for the relief of Melvina Noblett, of the county of Lawrence;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 174. A bill (of the House) for the relief of James Kitchens, of Gibson county;

Which was read a second time, and ordered to a third reading.

No. 175. A bill (of the House) to locate a State road in the counties of Grant and Madison;

Which was read a second time, and ordered to a third reading.

No. 175. A bill (of the Senate) for the relief of Lucinda Pinnick, of the county of Orange;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 176. A joint resolution (of the House) relative to the Cumberland road;

Which was read a second time; and,

On motion by Mr. Edmonston,

Referred to the committee on federal relations.

No. 177. A joint resolution (of the House) relative to actual settlers on Congress lands;

Which was read a second time.

Mr. Osborn proposed to amend the joint resolution;

Pending which,

On motion,

The Senate adjourned.

SATURDAY MORNING, JANUARY 9, 1847.

The Senate assembled.

The journal of the preceding day was read.

Mr. Zenor presented the remonstrance of sundry citizens of Harrison county, against adding a portion of said county to the county of Crawford.

On motion by Mr. Zenor,

The remonstrance was laid upon the table.

Mr. Goodenow presented the petition of Horatio Byfield and others, praying the repeal of a certain law therein named; which,

On motion by Mr. Goodenow,

Was referred to the committee on roads.

Mr. Morgan presented the petition of William H. H. Glass and

others, praying the passage of a law declaring Big Blue river a public highway; which,

On motion by Mr. Morgan,

Was referred to a select committee of Messrs. Morgan, Simpson, and Robinson.

Mr. Clements presented the petition of Caleb Hitt and others, to vacate certain lots and streets in the town of New London; which,

On motion by Mr. Clements,

Was referred to a select committee of Messrs. Clements, Allison, and Ellis.

Mr. Orth presented the petition of James S. Hogland and others, relative to a certain bridge therein named; which,

On motion by Mr. Orth,

Was referred to a select committee of Messrs. Orth, Beard, and Coats.

Mr. Coffin, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to which was referred bill of the House No. 194, "An act to exempt certain property therein named from taxation," have had the same under consideration, and have directed me to report it back, and recommend its indefinite postponement.

Which report was concurred in, and the bill accordingly indefinitely postponed.

Mr. Coffin, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to which was referred bill of the House No. 160. An act declaring an act therein named to be a misprint, have had that subject under consideration and have directed me to report it back and recommend its passage.

Said bill was ordered to a third reading.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred a resolution of the Senate requesting said committee to inquire into the expediency of so amending the present *capias* law as to grant the writ of *capias ad respondendum* against any person who is about leaving

the county in which he resides, taking with him property subject to execution, for the purpose of defrauding his creditors, have instructed me to report that it is inexpedient to legislate on that subject, and beg leave to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 279, entitled "An act to extend the jurisdiction of justices of the peace in Lagrange county," have had the same under consideration, and directed me to report the same to the Senate and recommend its passage.

The bill was ordered to a third reading.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 130, entitled "An act granting to probate judges in this State the right of taking acknowledgments of deeds and other instruments in writing, and for other purposes," have instructed me to report the same back to the Senate, with two amendments, and upon their adoption, to recommend its passage.

Amend by striking out the first section of the bill from its enacting clause.

Amend the title by striking out the words "and for other purposes."

Which report was concurred in, and the amendment adopted.

The bill, as amended, was then ordered to be engrossed for a third reading.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate, No. 83, entitled "A bill to amend the laws now in force in this State subjecting real and personal property to execution," and the pending amendments to said bill, have had the same under consideration, and instructed me to report the same to the Senate, and

recommend that the said bill and amendments be indefinitely postponed.

Which report was concurred in, and the bill accordingly indefinitely postponed.

Mr. Clements, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the House No. 108, entitled "A bill in relation to proof of notice by publication," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Said bill was ordered to a third reading.

Mr. Robinson, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred bill of the House No. 219, entitled "An act to appropriate necessary means for the execution of the laws in arresting or recapturing fugitives from justice," have, according to order, had the same under consideration, and have directed me to report that, by the 7th chapter of the 1st article of the Revised Statutes of 1843, and the 4th section of the 6th chapter of the 1st article of said Statute, ample provision is made for the objects of said bill, and that legislation on that subject is unnecessary at this time. Said committee have therefore directed me to report said bill back to the Senate and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Murphey, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate directing them to inquire into the expediency of repealing the 48th and 49th sections of article 2d, of chapter 29, of the Revised Statutes of 1843, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration thereof.

Which report was not concurred in.

On motion by Mr. Orth,

The resolution was recommitted to the judiciary committee.

Mr. Henry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a bill of the House, No. 137, entitled "An act to authorize clerks of circuit courts to administer oaths in certain cases," have had the same under consideration, and believing it unnecessary to pass said bill, have directed me to report the same back to the Senate, and recommend its indefinite postponement.

Which report was not concurred in.

The bill was then ordered to a third reading.

Mr. Davis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the House No. 152, in relation to writs of *ad quod damnum*, have had the same under consideration, and have instructed me to report said bill back to the Senate and respectfully recommend its passage.

Said bill was ordered to a third reading.

Mr. Stewart, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 127, entitled "An act declaring a certain act therein named to be in force," have had the same under consideration, and made one amendment thereto, and have directed me to report the same back to the Senate, and to recommend its passage when so amended:

Amend the first section by inserting after the word "force," the following, "as to all contracts hereafter made."

On motion by Mr. Rockhill,

The bill and amendment were laid upon the table.

Mr. Orth, chairman of the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 224, entitled "An act relative to granting letters of guardianship," have had the same under consideration, and have instructed me to report the same back to the Senate with one amendment, upon the adoption of which they recommend its passage:

Amend by adding the following additional section:

SEC. —. It shall hereafter be the duty of the clerks of the several probate courts in this State to prepare from their order books of said courts a separate docket with appropriate columns, in which they shall docket all letters of guardianship, and note the date of the letters, the names of the guardians and wards. Also, the names of the sureties, and the date of each settlement, which docket shall have a suitable alphabet; the said clerk shall be allowed twelve and a half cents for making such entry at the time it is made, but it shall not be necessary to docket or continue the guardianship, or the order book, or court docket, as in cases of administrators, except in cases of petition or other proceedings by or against guardians. Nor shall it be lawful for such clerks to make any charge for docketing such guardianship, except as herein provided;

Which report was concurred in and the amendment adopted.

The bill as amended was ordered to a third reading.

Mr. Milliken, from the committee on federal relations, made the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred a joint resolution of the House No. 176, have had the same under consideration, and directed me to report it back to the Senate, and recommend that it be indefinitely postponed;

Which report was concurred in and the joint resolution accordingly indefinitely postponed.

Mr. Milligan, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared and examined bill of the Senate No. 64, and find it correctly enrolled.

Mr. Allison, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to which was referred bill of the House No. 80, have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage:

Said bill was ordered to a third reading.

Mr. Allison, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to which was referred bill of the House No. 11, have had the same under consideration, and directed me to report the same back to the Senate with the following amendments, and when adopted, recommend its passage:

In the 2d section strike out all of said section after "1847," in the fifth line, and insert the following:

By mortgaging real estate as good and sufficient security to the acceptance of the auditor, or person having charge of said funds, subject to the same restrictions as provided in the first section of this act.

2d amendment: Strike from the bill the third and fourth sections.

3d amendment: Strike out all after the word "sold," in the 5th line of the 5th section, and insert "And collections shall be made as provided in sections 50 and 51, article 3, chapter 13 of the Revised Statutes of 1843;"

Which report was concurred in and the amendments adopted, and the bill as amended ordered to a third reading.

Mr. Berry of Monroe, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred bill of the House No. 7, entitled "An act in relation to county roads, have, according to order, had the same under consideration, and after a full investigation into, and of the effects to be produced by, the passage of said bill, a majority of said committee direct me to report it back to the Senate, and recommend its indefinite postponement;

Which report was concurred in and the bill indefinitely postponed.

Mr. Handy, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred Senate bill No. 151, entitled "An act to repeal an act more effectually to enable supervisors to open and keep in repair roads and highways, have had the same under consideration, and have directed me to report it back to the Senate, and recommend its indefinite postponement;

Which report was not concurred in.

On motion by Mr. Osborn,

The bill was recommitted to a select committee of Messrs. Osborn, Day, and Rockhill.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report, that on the 8th day of January, A. D., 1847, they presented to His Excellency the Governor, for his approbation and signature, bill of the Senate No. 127.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims to whom was referred a petition for the relief of H. Lasselle, have, according to order, had the same under their consideration, and directed me to report that, in their opinion, it is inexpedient to grant the prayer of the petitioner, and ask to be discharged from the further consideration of the subject matter contained in said petition.

On motion by Mr. Rockhill,

The report and petition were laid upon the table.

Mr. Milliken, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 171, in relation to pedlars, and a petition on the same subject, have had the same under consideration, and have directed me to report the same back to the Senate with the following amendment:

Strike out from the enacting clause, and insert the following:

No. 171. A bill in relation to travelling merchants or pedlars, in the several counties therein named.

Which report was concurred in, and the amendment adopted.

On motions of the Senators from those counties,

The bill was amended by extending its provisions to the counties of Orange, Wayne, Delaware, Henry, and Grant.

The bill, as amended, was then ordered to be engrossed for a third reading.

Mr. Berry of Monroe, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 111, entitled "An act to vacate certain alleys in the town of Bloomington," have had the same under consideration, and instructed me to report it back to the Senate without amendment, and recommend its passage.

The bill was ordered to a third reading.

Mr. Verbriek offered the following resolution:

WHEREAS, There is now before the judiciary committee a bill for the election of a prosecuting attorney in each county: Therefore,

Resolved, That said committee be instructed to inquire if it would not be expedient to make it the duty of said prosecutors so elected, to prosecute the pleas of the State, in all State cases in justices' courts, with leave to report by bill or otherwise.

Which was adopted.

Mr. Handy offered the following resolution:

Resolved, That the President of the Sinking Fund be, and he is hereby requested to transmit to the Senate, at his earliest convenience, the true amount of sinking fund money loaned to the Wabash College, when loaned, the amount including interest up to the present time, and the exact number of acres of land mortgaged by the college to secure the payment of said loan; at what amount said premises were valued at the time of giving said mortgage, and whether, in his opinion, said mortgage security is still amply good and sufficient to secure the full payment of said loan and accruing interest.

Which was adopted.

Mr. Henry offered the following resolution:

Resolved, That it be recommended to the friends of education in this State, that they hold a Common School Convention at Indianapolis, on the fourth Wednesday of May next, for the purpose of improving common schools and promoting education.

Which was adopted.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill:

No. 159. An act authorizing the superintendent of the Wabash and Erie Canal to settle with Gookins, Barnes, and Thomas.

Which I am directed to bring to the Senate for the signature of the President.

Mr. Morgan introduced

No. 206. A bill providing compensation to supervisors of roads and highways in Rush county;

Which was read a first time.

On motion by Mr. Morgan,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Waters introduced

No. 207. A bill attaching certain territory to the county of Carroll;

Which was read a first time;

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time and referred to a select committee of Messrs. Waters, Orth, and Beard.

Mr. Day introduced

No. 208. A bill to amend the general provisions respecting wills and testaments;

Which was read a first time.

On motion by Mr. Day,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

The following message from the House of Representatives was then taken up:

MR. PRESIDENT:

I am directed by the House to return to the Senate the accompanying message, containing bill of the Senate,

No. 158. An act relating to a settlement made by the agent of State with Leonard, Woodburn, and others;

According to the request contained in a resolution of the Senate adopted on the 8th instant.

Mr. Handy moved that there be a call of the Senate.

Which was ordered.

The question being on sending for the absentees,

It was decided in the negative.

Mr. Stewart moved to reconsider the vote by which said bill was passed by the Senate;

The ayes and noes being demanded thereon by Messrs. Handy and Hardin:

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Read, Rockhill, and Stewart—20.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, English, Goodenow, Green, Holloway, Morgan, Montgomery, Orth, Osborn, Robinson, Simpson, Stockwell, Verbribe, Waters, Winchell, and Zenor—24.

So the vote was not reconsidered.

Mr. Winchell moved to take from the table,

No. 136. A bill (of the House) exempting improvements on real estate from taxation in the counties of Kosciusko and Miami;

Which motion prevailed.

On motion by Mr. Winchell,

The bill was then referred to a select committee of Messrs. Winchell, Cuppy, and Rockhill.

Leave being granted,

Mr. Osborn, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred House bill No. 15, have had it under consideration, and instructed me to report it back to the Senate with the following amendment:

Amend the third section, by striking out all up to and including the word "law," when it first occurs.

And when so amended, recommend its passage; and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the amendment adopted.

The bill as amended was ordered to a third reading.

The following message from the House of Representatives were then taken up:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House of Representatives have passed the following engrossed bill thereof:

No. 254. An act to change the name of Eliza Ann Camden to Eliza Ann Sidwell;

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time.

On motion by Mr. Robinson,

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Robinson, Murphey, and Bowers.

BILLS ON THIRD READING.

No. 284. A bill (of the House) to provide for the further erection of the Hospital for the Insane, and for other purposes connected therewith;

Which was read a first time.

Mr. Green moved to recommit said bill to the committee on benevolent institutions.

Mr. Barbour moved to amend said motion, by including therein the following instructions:

Amend the second section, so as to give the appointment of architect to the board of trustees.

Amend the third section, so as the funds appropriated for the institution shall be drawn from the treasury only upon warrants issued after accounts have been sanctioned by the board of trustees.

So amend, as to provide for fixing salaries of superintendent and architect, or leaving it with the board of trustees to fix them.

Mr. Orth called for a division of the question.

The question recurring on recommitting said bill,

It was decided in the affirmative.

Mr. Orth moved to amend the instructions as follows:

That the Auditor, Treasurer, and Secretary of State have the power of appointing and removing the practical architect.

Mr. Montgomery moved to lay the proposed instructions and amendment upon the table; and,

The ayes and noes being demanded thereon by Messrs. Montgomery and Barbour,

Those who voted in the affirmative are,

Messrs. Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, English, Goodenow, Hamrick, Henry, Holloway, Montgomery, Orth, Osborn, Robinson, Simpson, Verbribe, Waters, Winchell, and Zenor—22.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Green, Handy, Hardin, Howell, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Read, Rockhill, Stewart, and Stockwell—21.

So the instructions were laid upon the table.

No. 174. A bill (of the House) for the relief of James Kitchens, of Gibson county;

Which was read a third time; and,

On motion by Mr. Berry of Franklin,
Lain upon the table.

No. 174. A bill (of the Senate) for the relief of Melvina Noblett, of the county of Lawrence;

Which was read a third time.

On the passage of the bill,

The ayes and noes being demanded by Messrs. Stewart and Hamer,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Clements, Coffin, Davis, Day, English, Green, Handy, Hardin, Henry, Howell, Jackson, Miller, Milligan, Montgomery, Read, Rockhill, Simpson, Stockwell, Waters, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Allison, Barbour, Bowers, Bradbury, Chenowith, Coats, Conner, Goodenow, Hamer, Hamrick, Holloway, Logan, Marsh, Morgan, Murphey, Orth, Osborn, Robinson, Stewart, and Verbribe—20.

So the bill was passed.

No. 173. A bill (of the Senate) for the relief of Susan E. Burton, of the county of Washington;

Which was read a third time.

On the passage of the bill,

The ayes and noes being demanded by Messrs. Stewart and Handy,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Clements, Coffin, Davis, Day, English, Green, Handy, Hardin, Henry, Howell, Jackson, Miller, Milligan, Read, Rockhill, Simpson, Stockwell, Waters, Winchell, and Zenor—23.

Those who voted in the negative are,

Messrs. Allison, Barbour, Bowers, Bradbury, Chenowith, Coats, Conner, Goodenow, Hamer, Hamrick, Holloway, Logan, Marsh, Morgan, Murphey, Orth, Osborn, Robinson, Stewart, and Verbribe—20.

So the bill was passed.

No. 175. (House.) A bill to locate a State road in the counties of Grant and Madison;

Read a third time and passed.

No. 175. (Senate.) A bill for the relief of Lucinda Pinnick, of the county of Orange;

Read a third time and passed.

No. 10. (Senate.) A bill relative to the printing of certain laws therein named;

Read a third time and passed.

No. 172. (Senate.) A bill fixing an annual compensation to the auditor of Delaware county;

Read a third time and passed.

No. 204. (Senate.) A bill to amend the 13th article of the 13th chapter of the Revised Statutes of 1843, as to Madison county;

Read a third time; and,

On motion by Mr. Jackson,

Laid upon the table.

No. 170. (House.) A bill for the better protection of religious assemblies;

Read a third time.

Mr. Miller moved to recommit the bill to a select committee, with instructions to strike out the words "cider and cakes," wherever they occur in the same;

Which motion did not prevail.

The bill was then passed.

No. 171. (House.) A bill to relocate a portion of the State road in Carroll county;

Read a third time and passed.

No. 156. (House.) A bill in relation to the common school fund in the county of Jackson;

Read a third time and passed.

No. 129. (Senate.) A bill to divorce David Raleigh from his wife Jane;

Read a third time; and,

On motion by Mr. Clements,

Laid upon the table.

BILLS ON SECOND READING.

The first thing in order being,

No. 177. (House.) A joint resolution in relation to actual settlers on Congress lands;

Which Mr. Osborn had proposed to amend.

Mr. Osborn offered the following amendment to the joint resolution:

Amend by striking out all after "Congress," in the fifth line of the first resolution, up to, and including the word "acre," and insert in lieu thereof the following: "Securing to each and every citizen, being a *bona fide* resident, a pre-emption to one quarter section of land, for five years, at the expiration of which time, granting the fee sim-

ple thereof to such *bona fide* occupant; or if he be dead, to his widow and children, upon proof by disinterested testimony of such occupation, and that such occupant has cultivated the same after the manner of good husbandmen.

Mr. Berry of Franklin moved to amend the amendment as follows:

Strike out after the word "five," and insert "one;" and also, *Provided*, That after any person shall have become the owner of one quarter section by such settlement or occupation, and shall sell the same, he shall not be entitled to become the owner of any second tract by settlement.

Which was accepted by Mr. Osborn as a modification of his amendment.

The amendment was adopted.

On motion,

The rules were suspended, and the joint resolution read a third time and passed.

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Leave being granted,

Mr. Davis introduced,

No. 209. A bill to amend and explain an act entitled "An act for the relief of the heirs of the late Captain Richard McCarty," approved January 15, 1846, and to quiet the titles of occupants of lands therein named;

Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

BILLS ON SECOND READING.

No. 142. (House.) A bill requiring the supervisors of roads in Sullivan county to make report at the March term in each year, and for other purposes;

Read a second time and ordered to a third reading.

No. 312. (House.) A bill fixing the time of holding courts in the 8th judicial circuit;

Read a second time and ordered to a third reading.

No. 307. (House.) A bill changing the time of holding the probate courts in the county of St. Joseph;

Read a second time.

On motion,

The rules were suspended, and the bill read a third time and passed.

No. 206. (House.) A bill in relation to a road district in the county of Huntington;

Read a second time and ordered to a third reading.

No. 202. (House.) A bill to amend chapter 1, of the Revised Statutes of 1843;

Read a second time and ordered to a third reading.

No. 207. (House.) A bill to locate a State road in the counties of Wells, Blackford, and Jay, in the State of Indiana;

Read a second time.

On motion,

The rules were suspended, and the bill read a third time, and passed.

No. 211. (House.) A bill to repeal an act entitled "An act regulating road tax in the county of Jasper;"

Read a second time and ordered to a third reading.

No. 213. (House.) A bill to establish a certain State road therein named;

Read a second time and ordered to a third reading.

No. 214. (House.) A bill to amend section 128, chapter 16, Revised Statutes of 1843;

Read a second time; and,

On motion by Mr. Hamrick,

Referred to the committee on roads.

No. 218. (House.) A bill to amend an act and to extend the provisions to Madison county;

Read a second time and ordered to a third reading.

No. 222. (House.) A bill to amend section 414, chapter 40, of the Revised Statutes of 1843, relative to the advertising of real estate at sheriff's sale;

Read a second time and referred to the committee on the judiciary.

No. 230. (House.) A bill for the relief of the purchasers of saline lands in Orange county;

Read a second time; and,

On motion by Mr. Miller,

Referred to a select committee of Messrs. Miller, Hamer, Zenor, and Clements.

No. 235. (House.) A bill to legalize the acts of the board of county commissioners of Sullivan county, and the auditor thereof, and for other purposes;

Read a second time; and,

On motion by Mr. Henry,

Referred to the committee on the judiciary.

Mr. Henry moved to reconsider the vote by which bill No. 142, of the House, was ordered to a third reading.

Which motion prevailed.

On motion by Mr. Henry,

The bill was then referred to the committee on the judiciary.

No. 239. (House.) A bill to provide for electing supervisors by districts in the counties of Wabash and Boone;

Read a second time and ordered to a third reading.

No. 275. (House.) A bill to incorporate the Greenfield and Shelbyville Railroad Company;

Read a second time; and,

On motion by Mr. Handy,

Referred to the committee on corporations.

No. 178. (House.) A bill to incorporate the Logansport and Wabash Free Bridge Company;

Read a second time; and,

On motion,

Referred to the committee on corporations.

No. 178. (Senate.) A bill to provide for ascertaining a part of the boundary line between the counties of Cass and Miami;

Read a second time, and ordered to be engrossed for a third reading.

No. 179. (Senate.) A bill to extend the privileges of the State Library to the benevolent institutions of the State;

Read a second time, and ordered to be engrossed for a third reading.

No. 180. (Senate.) A bill to incorporate the Perrysville Seminary;

Read a second time, and ordered to be engrossed for a third reading.

Mr. Milliken moved to take from the table,

No. 96. (Senate.) A bill in relation to testimony to determine the amount of territory in counties, in certain cases;

Which motion prevailed.

Mr. Bowers moved to reconsider the vote by which the following amendment was adopted:

Strike out all after the word "that," in the second line, to the word "if," in the fifth line.

The ayes and noes being demanded thereon by Messrs. Green and Bowers,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Goodenow, Hamer, Holloway, Marsh, Milliken, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Winchell, and Zenor—21.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Day, English, Green, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Milligan, Morgan, Read, Rockhill, Stewart, Verbriek, and Waters—20.

So the vote was reconsidered.

The question then recurring upon the adoption of the amendment, The ayes and noes were demanded by two Senators: and,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Day, English, Goodenow, Green, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Milligan, Morgan, Read, Rockhill, Stewart, Stockwell, Verbriek, and Waters—22.

Those who voted in the negative are,

Messrs. Barbour, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Hamer, Holloway, Miller, Milliken, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Winchell, and Zenor—21.

So the amendment was adopted.

Mr. Milliken moved to lay the bill upon the table.

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Goodenow, Hamer, Hamrick, Holloway, Marsh, Miller, Milliken, Morgan, Murphey, Orth, Osborn, Read, Robinson, Simpson, Waters, Winchell, and Zenor—26.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Day, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Milligan, Montgomery, Rockhill, Stewart, Stockwell, and Verbriek—17.

So the bill was laid upon the table.

No. 180. A bill (of the House) to legalize the acts of Solomon M. Semans, a justice of the peace of White River township, in Randolph county;

Read a second time, and ordered to a third reading.

No. 182. A bill (of the Senate) in relation to the compensation of the treasurer of Dearborn county, for receiving supervisors' receipts;

Read a second time; and,

On motion by Mr. Milliken,

Laid upon the table.

No. 183. A bill (of the Senate) to locate a State road in the counties of Whitley, Noble, and Kosciusko;

Read a second time, and ordered to be engrossed for a third reading.

Leave being granted,

Mr. Miller presented the petition of John Baker and others, praying for relief for purchasers of saline lands in Orange county; which,

On motion by Mr. Miller,

Was referred to the committee having that subject under consideration.

No. 184. A bill (of the Senate) to establish a State road in the county of Jay;

Read a second time.

On motion by Mr. Milligan,

The rules were suspended, and the bill read a third time and passed.

No. 184. A bill (of the House) amendatory of an act entitled, "an act for the relief of James S. Mayes, late school commissioner of Knox county;

Read a second time, and ordered to a third reading.

No. 185. A bill (of the Senate) defining the duties of the treasurer, auditor, and supervisors of highways in the county of Dearborn;

Read a second time, and ordered to be engrossed for a third reading.

No. 185. A bill (of the House) to incorporate the trustees of the Underwood Burying Ground;

Read a second time.

On motion by Mr. Murphey,

The rules were suspended, and the bill read a third time, and passed.

No. 186. A bill (of the House) to provide for the recording of bonds and letters of guardians;

Read a second time, and ordered to a third reading.

No. 187. A bill (of the House) to incorporate the Kosciusko Medical Society of Kosciusko county, Indiana;

Read a second time, and,

On motion by Mr. Marsh,

Referred to the committee on corporations.

No. 188. A bill (of the House) to change the name of Anna James to that of Anna Churchman;

Read a second time, and ordered to a third reading.

No. 189. A bill (of the Senate) to provide for paying the debt, and preserving the credit of the State;

Read a second time, and,

On motion by Mr. Logan,

Referred to a select committee of one Senator from each judicial

circuit in the State, to-wit: Messrs. Logan, Coats, Milliken, Miller, Stewart, Murphey, Ellis, Taber, Cuppy, Hamer, Winchell, and Rock-hill.

No. 189. A bill (of the House) to authorize Gabriel Johnson to build a mill-dam across the Mississinnewa river, in Grant county;

Read a second time, and ordered to a third reading.

No. 190. A bill (of the Senate) to abolish the office of school commissioner in Jefferson county;

Read a second time.

On motion by Mr. Goodenow,

The rules were suspended, and the bill read a third time and passed.

No. 191. A bill (of the Senate) extending the provisions of the 50th chapter of part 3d, of the Revised Statutes of 1843, to Hancock county;

Read a second time.

On motion by Mr. Jackson,

The rules were suspended, and the bill read a third time and passed.

No. 192. A bill (of the Senate) in relation to negroes and mulattoes;

Read a second time, and,

On motion by Mr. Beard,

Referred to the committee on the judiciary.

No. 193. A bill (of the Senate) to incorporate the Laurel and Moscow Turnpike Company;

Read a second time, and ordered to be engrossed for a third reading.

No. 195. A bill (of the House) to locate a certain road therein named;

Read a second time and ordered to a third reading.

No. 196. A bill (of the House) to authorize Jonathan W. Elliott to use the water power at the Mount Pleasant mills, in Noble county;

Read a second time, and ordered to a third reading.

No. 197. A bill (of the House) to incorporate the Institute of Fine Arts in Bowling Green, Clay county;

Read a second time, and,

On motion by Mr. Orth,

Referred to the committee on corporations.

Leave being granted,

Mr. Berry of Monroe, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 163, entitled an act to amend the 15th chapter of the Revised Sta-

tutes, have directed me to report the same back to the Senate with one amendment, and when adopted, recommend its passage.

Strike out all from the first section of the bill after the enacting clause.

Mr. Berry of Franklin moved to concur in said amendment, with the following amendment:

Provided, however, That nothing in this section shall prevent the trustees in any district from employing a teacher without a certificate of qualifications for teaching English grammar and geography, nor the inhabitants from receiving their proportion of the school funds, where the district shall contain less than thirty-five scholars.

Mr. Hardin called for a division of the question.

And the question recurring upon striking out,

The ayes and noes were demanded by two Senators; and,

Those who voted in the affirmative are,

Messrs. Berry of Monroe, Coffin, Day, Hamer, Handy, Hardin, Jackson, Miller, Milligan, Montgomery, Murphey, Read, Simpson, Waters, and Zenor—15.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Bowers, Bradbury, Chenowith, Clements, Coats, Conner, Davis, English, Goode-now, Green, Hamrick, Henry, Holloway, Howell, Logan, Marsh, Milliken, Morgan, Orth, Osborn, Robinson, Rockhill, Stewart, Stockwell, Verbricke, and Winchell—30.

So the Senate refused to strike out.

Mr. Henry then proposed to amend the first section of said bill by striking out therefrom the words "English grammar."

Mr. Berry of Monroe moved to amend the amendment by adding thereto the words "and geography."

And the question being upon the adoption of the same,

The ayes and noes were demanded by two Senators:

Those who voted in the affirmative are,

Messrs. Allison, Berry of Monroe, Day, English, Green, Hamer, Handy, Hardin, Henry, Howell, Jackson, Miller, Milligan, Montgomery, Murphey, Read, Stewart, Waters, and Zenor—19.

Those who voted in the negative are,

Messrs. Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Goodenow, Hamrick, Holloway, Marsh,

Milliken, Morgan, Orth, Osborn, Robinson, Rockhill, Stockwell, Verbricke, and Winchell—23.

So the amendment was not adopted.

Mr. Miller then proposed to amend the bill so as to except the county of Crawford from its provisions.

Mr. Morgan moved to lay the amendment upon the table.

Mr. Miller moved to amend the motion by including therein the bill.

Pending which,

On motion,

The Senate adjourned.

MONDAY MORNING, JANUARY 11th, 1847.

The Senate assembled.

The journal of the preceding day was read.

The President laid before the Senate the report of J. Morrison, Esq., from the sinking fund office, upon the subject of the loan to the Wabash Manual Labor College.

On motion by Mr. Orth,

It was referred to the committee on the State Bank.

Mr. Read presented the petition of William Plasket for an act giving validity to a certain deed.

Which was referred to the judiciary committee.

Mr. Milligan, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared and examined Senate bills Nos. 98, 104, 65, 88, 95, 99, 111, 121, 76, and 82, and find them correctly enrolled.

Mr. Handy presented the petition of sundry citizens of Shelby county in relation to a certain toll bridge therein named; which,

On motion by Mr. Handy,

Was referred to a select committee consisting of Messrs. Handy, Hardin, and Barbour.

Mr. Bowers presented the petition of —,

Which was referred to a select committee consisting of Messrs. Winchell, Rockhill, and English.

Mr. Parks presented the petition of numerous citizens of the counties of Monroe, Brown, Morgan, and Johnson, praying for an amend-

ment to the existing charter for a railroad from Martinsville to Franklin, so as to make Morgantown a point, and thence to intersect the Madison and Indianapolis Railroad at Franklin, Edinburgh, or the most practicable point; and also praying for a change in the present board of commissioners.

Which was referred to a select committee composed of Messrs. Parks, Berry of Monroe, and Hardin.

Mr. Murphey presented the petition of Lewis L. Lehmanowsky and others of Knightstown, Henry county, praying for a law giving to notaries public the power to solemnize marriages; which,

On motion by Mr. Murphey,

Was referred to the committee on the judiciary.

Mr. Berry of Franklin presented the petition of J. D. Howland and others, praying that sundry persons injured by the late freshet in the valley of White Water river be exempted from the payment of taxes for the year 1846.

On motion by Mr. Berry of Franklin,

Said petition was referred to a select committee consisting of one Senator from each congressional district, to-wit: Messrs. Berry of Franklin, Howell, Read, Bradbury, Jackson, Allison, Coffin, Orth, Day, and Winchell.

Mr. Conner, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred a bill of the House, No. 109, entitled "An act defining the duties of county treasurers," have, according to order, had the same under consideration, and have directed me to report the same back and recommend its passage.

No. 109.

Which was ordered to a third reading.

Mr. Coffin, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred bill of the Senate No. 181, "An act for the relief of county treasurers," have had the same under consideration, and have directed me to report it back and recommend its passage.

No. 181.

On motion by Mr. Stockwell,

The rules were suspended, and the bill read a third time, and passed.

Mr. Stewart, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill of the House No. 99, entitled "An act to amend and extend the provisions of the 18th, 19th, and 20th sections of the 41st chapter of the Revised Code of 1843, in relation to the proceedings in domestic and foreign attachment," have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its indefinite postponement.

No. 99.

Said report was concurred in.

And said bill was accordingly indefinitely postponed.

Mr. Berry of Monroe, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads to whom was referred bill of the House No. 225, entitled "An act to compel non-residents to pay a road tax equal to that of residents," have had the same under consideration, and have directed me to report said bill back to the Senate, without amendment, and recommend its passage.

No. 225.

Which was ordered to a third reading.

Mr. Bowers, chairman of the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred the petition of Enoch Davis and others, praying the General Assembly "to inquire into and remedy the evil now extant in the shape of doctor's bills," have, according to order, had the same under consideration, and have instructed me to report that the committee feel sensible of the importance of the subject referred to them, and the magnitude of the evil complained of, that it is a source of no little regret to your committee that they have to acknowledge not only the existence and magnitude of the evil, but also the daily increase of the same. Various causes may be assigned for the increase of the number of these bills. One of the most prominent of which is, the known liberality of the members of the profession, and their unwillingness to force, or even urge the payment of their bills, depending frequently upon the justice and honesty of their employers, to come

forward and liquidate their bills, until the physician finds himself embarrassed for the want of those means that a prompt and timely payment of them would have supplied him with.

Fortunate would it be if the evil stopped here; but not so. The conscience of the debtor after a time becomes awakened, and conscious of having neglected his duty, his mind sickens and becomes diseased; the body, sympathising with the mind, becomes diseased likewise—the physician has to be sent for, another bill is added to the former, and thus it goes on, the evil increasing, bill being added to bill, *ad infinitum*.

Your committee are fully of the opinion that the remedy for the evil is beyond the reach of legislation, and that it remains alone for those upon whom the evil must eventually fall to remedy the same. This can only be done by the prompt payment of the bills.

To enable the debtors to effect so desirable an object, the committee on agriculture would recommend to the petitioners, and all others similarly situated, early rising in the morning, deep ploughing, a judicious selection of the best seeds, a careful attention to the stock on the farm, a total abstinence from all intoxicating drinks, and to rigidly adhere to the divine injunction to “render unto Cæsar the things that are Cæsar’s;” and with this recommendation, the committee ask to be discharged from the further consideration of the subject;

Which report was concurred in.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report that on the 11th day of January, A. D. 1847, they presented to His Excellency, the Governor, for his approbation and signature, bills of the House Nos. 183, 151, 148, 132, 114, 283, 141, 75, 113, 216, 265, and 10.

Mr. Berry of Franklin, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred Senate bill No. 169, entitled “A bill to incorporate the Fort Wayne and Cambridge City Railroad Company,” have had that subject under consideration, and directed me to report it back to the Senate, and recommend that it be laid upon the table, and that the following substitute therefor be passed;

No. 169. A bill to incorporate the Fort Wayne and Cambridge City Railroad Company.

Said bill, No. 169, was laid upon the table.

Said substitute, No. 169, was read a second time and ordered to a third reading.

Mr. Handy, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the House No. 238, entitled an act to amend the turnpike road charter from Cambridge City to Muncietown, approved January 11th, 1845, have had the same under consideration, and have directed me to report it back to the Senate with one amendment, and recommend its passage as amended:

Amend by striking out the words “and seventeen.”

Said amendment was not adopted.

Mr. Berry of Franklin moved to amend as follows: add

SEC. —. The stockholders shall be individually liable for the payment of all debts due to laborers for work done upon the road that shall not be paid by them in their corporate capacity.”

Mr. Murphey moved to lay the amendment on the table.

The ayes and noes being demanded by Messrs. Murphey and Berry of Franklin,

Those who voted in the affirmative are,

Messrs. Beard, Bowers, Bradbury, Chenowith, Clements, Conner, Davis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Robinson, Verbriek, Winchell, and Zenor—19.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Coats, Coffin, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Osborn, Parks, Read, Stewart, Stockwell, and Waters—25.

So said amendment was not laid upon the table.

The question then being upon the adoption of said amendment, It was adopted.

On motion by Mr. Berry of Franklin,

The rules were suspended and the bill read a third time and passed.

Mr. Conner, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the

House No. 244, entitled "An act to amend the charter of Cambridge City, Wayne county, Indiana," have, according to order, had the same under consideration, and have directed me to report the same back, and recommend its passage:

No. 244 (House.)

On motion by Mr. Holloway,

The rules were suspended and the bill read a third time and passed.
Leave being granted,

Mr. Clements, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to which was referred a joint resolution of the House of Representatives No. 168, entitled "A joint resolution praying the confirmation of a selection of certain lands to aid in extending the Wabash and Erie canal from Tippecanoe river to Terre Haute," have had the same under consideration, and have directed me to make one amendment, as follows: Strike out all after the resolving clause, and insert the following. And when adopted, they recommend its passage:

No. 168. A joint resolution praying the confirmation of the selection of lands made in 1843 to aid in extending the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute;

Which amendment was adopted; and,

On motion,

The rules were suspended, and the bill read a third time and passed.

Mr. Winchell, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of Bayles Copher, praying a divorce from his wife, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 210. A bill to dissolve the bonds of matrimony existing between Bayles Copher and Wilthy Copher;

Which was read a first time, and ordered to a second reading.

Mr. Robinson, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 254, entitled "An act to change the name of Eliza Ann Camden to

Eliza Ann Sidwell," have, according to order, had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

No. 254.

Which was read a third time and passed.

Leave being granted,

Mr. Robinson, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred a preamble and resolution of the Senate, on the subject of changing the time for the commencement of the circuit courts from Monday, as now established by law, to Tuesday of the first week of each term, for the purpose of enabling suitors, jurors, witnesses, judges, and members of the bar, more fully to observe the Sabbath, have, according to order, had said subject under consideration, and have directed me to report that your committee feel highly impressed with the importance of a proper observance of the Sabbath, in a moral as well as a religious point of view; and your committee heartily accord with the efforts that are being made at this time, not only in the pulpit, but by many religious denominations, in bringing about a result which must be desirable to every good citizen and friend of good order, whether they form a part of any religious society or not; and whilst your committee would at any time and to any reasonable extent, heartily co-operate in promoting an end so desirable, yet they are impressed with a belief that such a reformation more properly belongs to the pulpit, than the law making power; that any legislative interference in customs long settled and established might at this time tend rather to retard than promote the end so much desired; and more especially when we are advised that many and various opinions are at this time entertained amongst religious denominations, in regard to the observance of that day. And your committee are of the opinion that any legislative action in regard to that subject at this time, might, by some at least, be construed into a disposition on the part of the law making power, to meddle with a subject of which many claim the right to judge for themselves, and which might to some extent create a prejudice, however ill-founded, that might, instead of facilitating the desired reformation, obstruct the same. Your committee also are well advised that by the practice of the circuit courts, but little or no business is ever transacted on the first day of the term, at least of much importance, and that it is rarely necessary for suitors, jurors, or witnesses to travel on the Sabbath day, for the purpose of attending court, unless they see proper so to do, a privilege which they claim a right to exercise at their own discretion. And whilst your committee ex-

press and cherish the hope that the efforts now making to promote the observance of the Sabbath may meet with ample success, and the friends and advocates thereof may at no distant day realize the fruits of their deserving efforts, yet your committee are not prepared to say, that legislative action at this time would be calculated to give any strength to the measure, or to promote the same. Your committee are therefore of the opinion that the legislation proposed in said resolution is at this time inexpedient, and have directed me to report said resolution back to the Senate, and recommend that it be laid upon the table, and respectfully ask to be discharged from the further consideration of the same.

Which report was concurred in, and said resolution laid upon the table.

Mr. Stockwell, from the joint select committee upon that subject, made the following report:

MR. PRESIDENT:

The joint select committee to whom was referred the message of the Governor, and accompanying documents, relating to sundry amendments proposed to be made to the act entitled "An act to provide for the funded debt of the State of Indiana and for the completion of the Wabash and Erie canal to Evansville," approved January 19th, 1846, have had the same under consideration, and have unanimously directed me to report the following bill, and to ask to be discharged from the further consideration of the subject:

No. 353.

Which was read a first time; and,

On motion by Mr. Stockwell,

The rules were suspended, and the bill read a second time.

On motion by Mr. Howell,

250 copies of said bill were ordered to be printed.

Mr. Waters, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 207, entitled "A bill attaching certain territory to the county of Carroll," have had the same under consideration, and instructed me to report the same to the Senate, and recommend its passage.

No. 207.

On motion by Mr. Rockhill,

Said bill was laid on the table.

Mr. Clements, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 230, have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

No. 230. (H. R.)

On motion by Mr. Hamer,

The rules were suspended, and the bill read a third time and passed.

Mr. Edmonston moved to take from the table,

No. 174. A bill (of the House) for the relief of James Kitchens, of Gibson county;

Which motion prevailed.

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a third time, and passed.

On motion by Mr. Read,

The resolution of the House fixing the 25th instant as the day of final adjournment, was taken up.

Mr. Handy moved to concur in said resolution with the following amendment: strike out "25th," and insert "21st"

Mr. Edmonston moved to lay the amendment upon the table.

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Monroe, Chenowith, Clements, Coffin, Edmonston, Hamer, Hamrick, Henry, Marsh, Milligan, Morgan, Montgomery, Osborn, Parks, Rockhill, Stewart, Stockwell, Verbriek, and Waters—20.

Those who voted in the negative are,

Messrs. Barbour, Beard, Berry of Franklin, Bowers, Bradbury, Coats, Conner, Davis, Day, English, Goodenow, Green, Handy, Hardin, Howell, Jackson, Logan, Miller, Milliken, Murphey, Orth, Read, Robinson, Simpson, Winchell, and Zenor—26.

So the amendment was not laid upon the table.

Mr. Edmonston moved to lay the resolution and pending amendment upon the table;

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Monroe, Bowers, Chenowith, Clements,

Coffin, Edmonston, Green, Hamer, Hamrick, Henry, Howell, Morgan, Montgomery, Osborn, Stewart, Stockwell, Verbriek, Waters, and Winchell—20.

Those who voted in the negative are,

Messrs. Barbour, Beard, Berry of Franklin, Bradbury, Coats, Conner, Davis, Day, English, Goodenow, Handy, Hardin, Jackson, Logan, Marsh, Miller, Milliken, Murphey, Orth, Parks, Read, Robinson, Rockhill, Simpson, and Zenor—25.

So the resolution and amendment were not laid upon the table.

Mr. Davis moved to amend the pending amendment by striking out "Monday," and inserting "Thursday."

Which was accepted by Mr. Handy as a modification.

Mr. Edmonston moved to postpone the consideration of the resolution and amendment until Wednesday next at two o'clock, P. M.

And the ayes and noes being demanded thereon by Messrs. Orth and Edmonston,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Monroe, Bowers, Chenowith, Clements, Coffin, Edmonston, Green, Hamer, Hamrick, Henry, Howell, Jackson, Marsh, Miller, Milligan, Morgan, Montgomery, Osborn, Parks, Rockhill, Stewart, Stockwell, Verbriek, and Waters—25.

Those who voted in the negative are,

Messrs. Barbour, Beard, Berry of Franklin, Bradbury, Coats, Conner, Davis, Day, Goodenow, Handy, Hardin, Logan, Milliken, Murphey, Orth, Read, Robinson, Simpson, Winchell, and Zenor—20.

So the consideration of the resolution and amendment was accordingly postponed.

Mr. Allison introduced,

No. 211. A bill,

Which was read a first time.

On motion by Mr. Allison,

The rules were suspended, and the bill read a second time, and referred to the committee on corporations.

Leave being granted,

Mr. Orth, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of James

S. Hoagland and others, of Tippecanoe county, have had the same under consideration, and instructed me to report the following bill, and respectfully recommend its passage.

No. 212. A bill giving additional powers to the board of commissioners of Tippecanoe county;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second and third times and passed.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has signed the following enrolled bills thereof:

No. 132. A joint resolution in relation to pre-emptors on the Miami national reservation in the State of Indiana;

No. 148. An act for the relief of John McIntire, Clark M. Anthony, Joseph P. Glezen, and for other purposes;

No. 151. A joint resolution in relation to the claim of Francis Vigo, late a citizen of Knox county, Indiana;

No. 183. An act transferring the duties of school commissioner in Crawford county to the county treasurer of said county.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has signed the following enrolled bills thereof:

No. 10. An act explanatory of the act therein named;

No. 75. An act entitled an act declaring a part of Salt Creek a public highway, approved February 13, 1840;

No. 113. An act for the relief of John McIntire, Clark M. Anthony, Joseph P. Glezen, and for other purposes;

No. 114. An act to change the name of Ellen Loudemberger to that of Ellen Lomax;

No. 141. An act in relation to roads and highways in Putnam county;

No. 216. An act for the further relief of the volunteers of the State of Indiana;

No. 265. An act to vacate certain streets and alleys in the town of Noblesville, in Hamilton county;

No. 283. An act to legalize the qualification of sheriff of the county of Wabash.

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House of Representatives have concurred in the engrossed amendments of the Senate, to the following engrossed bills of the House:

No. 96. An act for the improvement of the breed of horses and mules in the counties of Blackford and Kosciusko;

No. 102. An act forming all that portion of township one north, of range ten west, which lies south of White river in Gibson county, into a congressional township for school purposes;

No. 139. An act to establish a State road in the county of Dearborn;

No. 115. An act to locate a State road in the counties of Grant and Richardville;

No. 94. An act making an appropriation for the arrest of Silas Doty, a fugitive from justice;

No. 66. An act to reduce the expenses of Floyd county;

Also, that the House have concurred in the engrossed amendment of the Senate to the engrossed amendment of the House, to the following engrossed bill of the Senate:

No. 12. A bill relative to the execution of decrees in chancery;

And that the House have passed the following engrossed bill of the Senate, without amendment:

No. 62. A bill to amend an act entitled an act to incorporate the Knightstown and Shelbyville Railroad Company;

And that the House have also passed the following engrossed bill and joint resolution thereof:

No. 251. An act providing for the settlement of a claim of Adam Moderwell;

No. 345. A joint resolution to authorize the making of estimates for the completion of the new State prison, and other purposes;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 208. An act to establish an institute for the education of the blind of the State of Indiana.

In which the concurrence of the Senate is requested.

No. 251, in said message, was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the joint resolution read a second time and referred to the committee on claims.

No. 345, in said message, was read a first time.

On motion by Mr. Howell,

The rules were suspended, and the joint resolution read a second time.

Mr. Milliken then moved to refer the same to the committee on the State prison.

Which motion did not prevail.

Mr. Berry of Franklin proposed to amend the joint resolution by striking out all that relates to the erection of houses for warden and keeper.

Which amendment was not adopted.

Mr. Read moved to suspend the rules and read the joint resolution a third time now.

The ayes and noes being demanded thereon by Messrs. Berry of Franklin and Orth,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Chenoweth, Clements, Conner, Davis, English, Hamer, Holloway, Murphey, Orth, Osborn, Read, Robinson, Simpson, Stockwell, Verbrike, and Winchell—21.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, Goodenow, Green, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Montgomery, Parks, Rockhill, Stewart, Waters, and Zenor—25.

So the rules were not suspended.

Mr. Logan introduced,

No. 213. A bill to authorize the redemption of State bonds;

Which was read a first time.

On motion by Mr. Logan,

The rules were suspended, and the bill read a second time, and referred to the select committee having under consideration a bill providing for paying the debt and preserving the credit of the State.

BILLS ON THIRD READING.

The following bills were severally read a third time and passed.

No. 183. (Senate.) A bill to locate a State road in the counties of Whitley, Noble, and Kosciusko;

No. 185. (Senate.) A bill defining the duties of treasurer, auditor, and supervisors of highways in the county of Dearborn;

No. 186. (House.) A bill to provide for the recording of bonds and letters of guardians;

No. 188. (House.) A bill to change the name of Anna James to that of Anna Churchman;

No. 189. (House.) A bill to authorize Gabriel Johnson to build a mill dam across the Mississinnewa river, in Grant county;

No. 194. (House.) A bill amendatory of an act entitled "An act for the relief of James S. Mayes, late school commissioner of Knox county," approved January 20th, 1846;

No. 218. (House.) A bill to amend an act and to extend the provisions to Madison county;

No. 195. (House.) A bill to locate a certain road therein named;

No. 196. (House.) A bill to authorize Jonathan W. Elliott to use the water at the Mount Pleasant Mills, in Noble county;

No. 197. (House.) A bill to incorporate the Institute of Fine Arts of Bowling Green, Clay county;

No. 193. (Senate.) A bill to incorporate the Laurel and Moscow Turnpike Company;

No. 206. (House.) A bill in relation to road districts in the county of Huntington;

No. 211. (House.) A bill entitled "An act to repeal an act regulating road tax in the county of Jasper;"

No. 202. (House.) A bill to amend chapter I, of the Revised Statutes of 1843;

No. 224. (House.) A bill relative to granting letters of guardianship;

No. 279. (House.) A bill to extend the jurisdiction of justices of the peace in Lagrange county;

No. 312. (House.) A bill fixing the time of holding courts in the 8th judicial circuit;

No. 213. (House.) A bill to establish a certain State road therein named;

No. 239. (House.) A bill to provide for electing supervisors by districts in the counties of Wabash and Boone;

No. 180. (Senate.) A bill to incorporate the Perrysville seminary;

No. 180. (House.) A bill to legalize the acts of Solomon M. Semans, a justice of the peace of White river township, in Randolph county;

No. 179. (Senate.) A bill to extend the privileges of the State Library to the benevolent institutions of the State;

No. 178. (Senate.) A bill to provide for ascertaining a part of the boundary line between the counties of Cass and Miami;

No. 171. (Senate.) A bill in relation to travelling merchants or pedlars in the several counties therein named;

Which was read a third time; and,

On the motions of Mr. Orth of Tippecanoe, and the Senators of the several following counties, said counties were inserted and embraced in the provisions of said bill, to-wit:

Tippecanoe, Washington, Rush, Morgan, Fountain, Madison, Bartholomew, Jennings, Vigo, Sullivan, Clay, Floyd, Parke, Franklin, Vermillion, Vanderburgh, and Posey.

Mr. Clements moved to recommit the bill to the judiciary committee, and it was so recommitted.

Mr. Howell moved to reconsider the vote ordering 250 copies of bill No. 353 to be printed.

Which motion prevailed.

The question then being upon printing 250 copies, It was decided in the negative.

On motion by Mr. Howell,

Ordered, That the number to be printed be 100.

The following bills were severally read a third time and passed.

No. 160. (House.) A bill declaring an act therein named to be a misprint;

No. 152. (House.) A bill to amend the 48th chapter, article 5th, of the Revised Statutes of 1843, in regard to writs of *ad quod damnum*;

No. 80. (House.) A bill for the benefit of Parke county seminary;

No. 130. (House.) A bill granting to probate judges in this State the right of taking acknowledgments of deeds and other instruments of writing, and for other purposes;

No. 108. (House.) A bill in relation to proof of notice by publication;

No. 137. (House.) A bill to authorize clerks of the circuit courts to administer oaths in certain cases;

No. 111. (House.) A bill to vacate certain alleys in the town of Bloomington;

No. 11. (House.) A bill relative to loaning school funds;

On motion by Mr. Osborn,
Said bill was laid on the table.

On motion,
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Milliken moved a call of the Senate;

Which was ordered.

Messrs. Taber, Ellis, and Cuppy were excused from attendance on account of sickness.

Mr. Stockwell obtained leave for the purpose and introduced,

No. 214. A bill to amend an act entitled "An act for the relief of

Charles Purcell, late collector of Posey county," approved January 8th, 1842;

Which was read a first time; and,

On motion by Mr. Stockwell,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Robinson, leave being granted him, introduced, No. 215;

Said bill was read a first time.

On motion by Mr. Marsh,

The rules were suspended, and the bill read a second time.

Mr. Marsh moved to refer said bill to the judiciary committee.

Which motion did not prevail.

On motion by Mr. Robinson,

The bill was laid on the table.

The call of the Senate was suspended.

Senate bill,

No. 3. A bill providing for holding a convention to revise and amend the constitution of the State of Indiana;

Was taken up.

Mr. Orth moved to indefinitely postpone the bill;

And the ayes and noes being demanded by Messrs. Hardin and Orth,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Goodenow, Hamrick, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, Stewart, Verbribe, Waters, Winchell, and Zenor—23.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Green, Hamer, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Osborn, Parks, Read, Rockhill, and Stockwell—24.

So said bill was not indefinitely postponed.

Mr. Osborn moved to reconsider said vote.

And the ayes and noes being demanded thereon by Messrs. Osborn and Holloway,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Goodenow, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Stewart, Verbribe, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Green, Hamer, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stockwell, and Waters—24.

The President gave the casting vote in the affirmative, and the vote was reconsidered.

The following instructions proposed by Mr. Beard were pending:

To report a bill submitting the question of calling a convention to a vote of the people at the next August election.

Mr. Osborn proposed to amend the instructions as follows:

Instruct the committee to inquire into the constitutionality of calling a convention before a majority of all the votes polled have been given in favor of a convention to frame or accept a new constitution; and also to inquire into the probable cost of such convention.

Which were accepted by Mr. Beard as a modification.

Mr. Read moved the previous question,

Which was seconded.

The question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

The main question then being upon the engrossment of the bill for a third reading,

And the ayes and noes being demanded thereon:

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Green, Hamer, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Osborn, Parks, Read, Rockhill, and Waters—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Goodenow, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, Stewart, Verbribe, and Winchell—21.

So said bill was ordered to be engrossed for a third reading.

Mr. Orth moved to suspend the rules and read the bill a third time now.

Which motion prevailed.

Mr. Montgomery moved to refer the bill to the committee on the judiciary with the following instructions:

WHEREAS, in pursuance of an act, entitled "An act to provide for taking the sense of the qualified voters of the State, on the calling a

convention to alter, revise, or amend the constitution of the State;" and, according to the report of the Secretary of State, only thirty-two thousand four hundred and sixty-eight, of the one hundred and twenty-three thousand eight hundred and seventy-eight votes polled for Governor, voted for the holding of said convention: AND WHEREAS, nearly one-half of those who voted for Governor at the late August election, did not vote for or against a convention, as is believed, in consequence of not having understood the form of voting in several counties in the State: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the inspectors and judges of elections in the several townships within each county in this State, at the annual election in August next, to open a poll in which shall be entered all the votes given for a convention to alter, revise, or amend the constitution of this State.

SEC. 2. Every qualified voter of this State may, if he choose, at the annual election in August next, vote for the calling of a convention, for the purpose mentioned in the first section of this act.

SEC. 3. If such voter shall be in favor of a convention, he shall write or print, or partly write and partly print, on the same ballot with which he votes for State or county officers, the words "For a Convention."

SEC. 4. It is hereby made the duty of the inspectors and judges of elections to certify the votes given for a convention to the clerks of the circuit courts, respectively, in the same way and manner, and under the same restrictions and penalties, that votes for State and county officers are certified.

SEC. 5. It shall be the duty of the clerks of the circuit courts throughout this State, to certify and make returns of all the votes given for a convention to the Secretary of State, in the same way and manner that votes given for Governor and Lieutenant Governor are required by law to be certified, and they shall be subject to the same penalties for a neglect of duty. It shall be the duty of the Secretary of State to lay before the next General Assembly, on the second day of December next, all the returns by him received, pursuant to the provisions of this act, for their further consideration and deliberation.

SEC. 6. It shall be the duty of the several sheriffs of this State to give six weeks' public notice in a newspaper, if one be published in his county; if not, by written notices in each township in his county, that there will be a poll opened for the purpose specified in this act.

Mr. Edmonston moved the previous question.

Which was seconded by the Senate.

The question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

The main question being upon the passage of the bill,

And the ayes and noes being demanded by Messrs. Orth and Read:

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Green, Hamer, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Osborn, Parks, Read, Rockhill, and Waters—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Goodenow, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, Stewart, Verbriek, Winchell, and Zenor—22.

The constitutional question arising here, whether it was necessary "that a majority of all the members elected to both branches of the General Assembly," should vote for said bill to pass the same, the President postponed his decision for further consideration.

The Senate took up the message from the House of Representatives, and the resolution therein proposing to go into the election of State Printer on Tuesday the 12th inst., at half past two o'clock, P. M.

Mr. Barbour moved to indefinitely postpone said resolution;

And the ayes and noes were demanded by Messrs. Orth and Davis:

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Day, Edmonston, Handy, Hardin, Miller, and Waters—9.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Goodenow, Green, Hamer, Hamrick, Henry, Holloway, Howell, Jackson, Logan, Marsh, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Verbriek, Winchell, and Zenor—36.

So said resolution was not indefinitely postponed.

Mr. Milliken moved to postpone the consideration of said resolution until 2 o'clock, on Saturday next.

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats,

Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, and Waters—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—23.

So said resolution was postponed until, and made the special order of the day on Saturday next at 2 o'clock.

Mr. Robinson moved to take from the table bill of the Senate No. 215; which,

On motion by Mr. Robinson,

Was referred to a select committee composed of Messrs. Robinson, Osborn, and Orth.

Mr. Handy introduced bill

No. 216 (of the Senate) "To amend section 37, article 2, chapter 35 of the Revised Statutes of 1843 ;

Which was read a first time, and,

On motion by Mr. Handy,

The rules were suspended and read a second time and referred to the committee on the judiciary.

Mr. Henry moved to take up No. 208, a bill of the House, entitled a bill to establish an institute for the education of the blind of the State of Indiana.

Said bill was read a first time.

On motion by Mr. Henry,

The rules were suspended and the bill read a second time and referred to the committee on the benevolent institutions of the State.

Mr. Milligan, on leave, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred House bill No. 199, have had the same under consideration, and finding that neither the people who are interested therein, nor the individual whom this bill purports to benefit, have asked this body, or any other, for the passage of this law, have directed me to report the same back, desiring that the same, for the present, be laid on the table, and would respectfully ask to be discharged from the further consideration thereof.

No. 199. (House.)

Said report was concurred in and said bill laid on the table.

BILLS ON THEIR THIRD READING.

No. 210. A bill of the House to legalize the election of trustees of the town of Vernon, in Jennings county ;

Which was read a third time and passed.

No. 15. A bill of the House to amend an act entitled "An act fixing the time of holding the courts in the ninth judicial circuit," approved January 19, 1846 ;

Which was read a third time and passed.

No. 163. A bill of the Senate to amend the 15th chapter of the Revised Statutes.

When last under consideration, there was pending an amendment to the 1st section, striking out the words "English grammar."

Mr. Milliken moved to amend the amendment by adding thereto, "so far as relates to teachers of summer schools."

Mr. Handy moved to lay said amendment upon the table ;

Which motion did not prevail.

The question then recurring upon the adoption of Mr. Milliken's amendment,

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Clements, Coats, Day, English, Hamer, Logan, Miller, Milliken, Montgomery, Orth, Osborn, Robinson, Stewart, Verbriek, and Zenor—17.

Those who voted in the negative are,

Messrs. Berry of Monroe, Bowers, Bradbury, Coffin, Conner, Davis, Edmonston, Goodenow, Hamrick, Handy, Hardin, Henry, Holloway, Howell, Jackson, Marsh, Milligan, Morgan, Murphey, Parks, Read, Rockhill, Simpson, Stockwell, Waters, and Winchell—26.

So the amendment was not adopted.

Mr. Goodenow proposed to amend the pending amendment as follows :

Which amendment was adopted.

The question recurring upon the adoption of the amendment as amended,

The ayes and noes were demanded thereon by two Senators.

Those who voted in the affirmative are,

Messrs. Allison, Berry of Monroe, Clements, Coats, Coffin, Conner, Day, Edmonston, English, Green, Hamer, Handy, Hardin, Henry, Howell, Jackson, Logan, Miller, Milligan, Montgomery, Murphey, Read, Waters, and Zenor—24.

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Berry of Franklin, Bowers, Bradbury, Chenowith, Davis, Goodenow, Hamrick, Holloway, Marsh, Milliken, Morgan, Orth, Osborn, Parks, Robinson, Rockhill, Simpson, Stewart, Stockwell, Verbribe, and Winchell—23.

So the amendment was adopted.

Mr. Henry then proposed to amend the bill as follows:

Which amendment was adopted.

On motion by Mr. Osborn,

The bill as amended was re-committed to the committee on education.

No. 202. A joint resolution of the Senate;

Which was read a second time.

Mr. Orth moved to refer said joint resolution to the committee on the State Bank.

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, English, Goodenow, Green, Henry, Holloway, Howell, Marsh, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Robinson, Stewart, Stockwell, Verbribe, Waters, Winchell, and Zenor—33.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Day, Edmonston, Hamer, Hamrick, Handy, Hardin, Jackson, Logan, Read, Rockhill, and Simpson—13.

So the joint resolution was so referred.

Leave being granted,

Mr. Winchell, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 136, "Exempting improvements on real estate from taxation, in the counties of Kosciusko and Miami," have made one amendment thereto, which being adopted, they recommend the passage of the bill.

After the words "county purposes" in the 5th line, insert "to the amount of \$500;"

Which amendment was adopted.

On motion by Mr. Winchell,

The rules were suspended and the bill read a third time and passed.

No. 200. A joint resolution relative to the Wabash and Erie canal;

Which was read a second time and referred to the committee on canals and internal improvements.

On motion,

The Senate adjourned.

TUESDAY MORNING, JANUARY 12, 1847.

The Senate assembled.

The journal of the preceding day was read.

Mr. Read presented the petition of the mayor and council of the city of Jeffersonville, for certain changes in the act of incorporation of said city.

On motion by Mr. Read,

The petition was referred to a select committee of Messrs. Read, Davis, and English.

Mr. Orth presented the petition of sundry citizens of Tippecanoe county, for the granting of certain water power therein named; which,

On motion by Mr. Orth,

Was referred to the committee on canals and internal improvements.

Mr. Osborn, from the committee on the judiciary made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the House No. 181, have had that subject under consideration, and have instructed me to report it back with the following amendment, and when so amended, recommend its passage; and said committee ask to be discharged from the further consideration thereof.

Amend, by striking out from the enacting clause, and inserting the following:

That no real estate whereof any married woman was or may be

siezed, or otherwise entitled to, at the time of her marriage, or which she has or may fairly acquire during her coverture, or any interest therein, shall be liable for the debts of her husband; but the same and all interest therein, and all rents and profits arising therefrom, shall be deemed and taken to be her separate property, free and clear from any and all claim or claims of the creditors, or legal representatives of her husband, as fully as if she had never been married: *Provided*, That this law shall not be so construed as to apply to debts contracted by such married woman before such marriage; but in all such cases, her said property shall be first liable therefor.

Which report was concurred in, and the amendment adopted.
The bill as amended was ordered to a third reading.

Mr. Robinson, from the committee on the judiciary made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred a resolution of the Senate, instructing said committee to inquire into the expediency of passing some law giving justices of the peace jurisdiction in minor criminal offences, have had the same under consideration, and a majority of said committee have directed me to report the following bill:

No. 217. A bill giving jurisdiction to justices of the peace in certain criminal cases;

Which was read a first time, and ordered to a second reading.

Mr. Barbour, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to which was referred bill of the House No. 63, "An act to regulate the chancery practice," have had the same under consideration, and a majority have instructed me to report the same back, and recommend that it be indefinitely postponed.

Which report was not concurred in.

The bill was then ordered to a third reading.

Mr. Milligan, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have examined and compared Senate bills Nos. 4, 8, 20, 25, 29, 33, 45, 49, 50, 51, 53, 58, 59, and 66, and find them correctly enrolled.

Leave being granted,

Mr. Rockhill presented the remonstrance of numerous citizens of Howard county, against the addition of a certain portion of said county to the county of Carroll; which,

On motion by Mr. Rockhill,

Was laid upon the table.

Mr. Davis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate No. 209, in relation to granting certain land titles, have had the same under consideration, and have made one amendment thereto, and upon the adoption of said amendment, the committee respectfully recommend the passage of said bill.

Amend said bill by adding the following to the seventh section:

"And the State of Indiana hereby relinquishes to such person or persons, now so in possession, their heirs and assigns, all her title and claim to or by escheat, to any and all of said lands so claimed and possessed."

Which report was concurred in, and the amendment adopted.

Mr. Read then offered the following as an amendment to said bill: Add,

Sec. —. That hereafter no action shall be maintained, either in law or equity, to recover any lands within the district of country granted by the State of Virginia to General George Rogers Clark, and to the officers and soldiers of his regiment, commonly called "Clark's or Illinois grant," from any person or persons holding and claiming such lands, under tax titles or titles by deed, executed and recorded, from the officers and soldiers to whom such lands were originally allotted by the commissioners appointed under the law making said grant, or from their heirs, executors, administrators, and attorneys in fact, or any of them, when such titles have been acquired in good faith, and such lands have been holden under such titles, undisputed for thirty years, upon the ground of any defect or informality in the sale or conveyance, or any acknowledgement thereof, by which such titles have been acquired.

Mr. Osborn proposed to amend the amendment, by adding the following:

And all such deeds are hereby declared to be valid and effectual, and such possession under such claim shall be evidence of a legal and valid title in such possessor or occupant, his heirs and assigns.

Which was accepted by Mr. Read as a modification of his amendment.

The question then recuring upon the adoption of the amendment as amended; and,

The ayes and noes being demanded by Messrs. English and Osborn,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Monroe, Chenowith, Clements, Coffin, Davis, Day, Edmonston, Ellis, Goodenow, Hamrick, Handy, Henry, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Murphey, Orth, Osborn, Read, Rockhill, Stewart, Stockwell, Verbrike, Waters, Winchell, and Zenor—30.

Those who voted in the negative are,

Messrs. Barbour, Beard, Berry of Franklin, Bowers, Bradbury, Conner, English, Green, Hamer, Hardin, Jackson, and Robinson—12.

So the amendment was adopted.

The question then recurring upon the engrossment of the bill as amended; and,

The ayes and noes being demaded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coffin, Davis, Day, Edmonston, Ellis, Goodenow, Hamer, Hamrick, Holloway, Marsh, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Read, Robinson, Stockwell, Verbrike, Waters, Winchell, and Zenor—31.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Conner, English, Green, Handy, Hardin, Henry, Jackson, Logan, Miller, and Stewart—12.

So the bill was ordered to be engrossed for a third reading.

Mr. Hardin, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education to whom was referred bill of the Senate No. 163, to amend the 15th chapter of the Revised Statutes, have had the same under consideration, and have directed me to report the same to the Senate with two amendments, and when said amendments are adopted, to recommend its passage.

1st Amendment. Strike out all of the first section, and insert the following:

That no person shall be employed as a teacher of a district school, unless he is a person of a good moral character, nor shall any person be paid as aforesaid, unless he shall produce a certificate of the county examiner or examiners, that he is qualified to teach orthography, reading, writing, arithmetic, English grammar and geography: *Provided, however,* That a knowledge of English grammar and geography shall not be required if a majority of the voters of any regularly called meeting of such school district shall so determine. And all certificates of qualifications which may be granted under the provisions of this act, shall be void after the expiration of one year from the date thereof; and all certificates as aforesaid which may have been granted before the taking effect of this act, shall be void on the first day of September, 1847.

2d Amendment. Amend the 12th section of the bill by inserting "one hundred and thirty-five."

Which report was concurred in, and the amendments adopted.

The bill, as amended, was then read a third time and passed.

Mr. Berry of Monroe, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads to whom was referred the petition of William B. Pine, James Green and others, for the repeal of so much of an act, entitled an act to improve the navigation of Lost river, as relates to the county of Martin, have directed me to report the accompanying bill in accordance with the prayer of the said petitioners.

No. 218. A bill to repeal a part of a certain act therein named; Which was read a first time and ordered to a second reading.

Mr. Milliken moved to reconsider the vote by which a report from the committee on agriculture, asking to be discharged from the consideration of a petition of sundry citizens of Daviess county in relation to doctor's bills, was yesterday concurred in.

Which motion prevailed.

Mr. Marsh moved to lay said report upon the the table, and that 1000 copies thereof be printed for the use of the Senate.

Which motion did not prevail.

The question then recurring upon concurring in said report,

The ayes and noes were demanded by Messrs. Clements and Bowers; and,

Those who voted in the affirmative are,

Messrs. Beard, Bowers, Davis, Day, Holloway, Morgan, Murphey, Osborn, Robinson, Simpson, Stockwell, and Waters—12.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Monroe, Bradbury, Chenowith, Clements, Coffin, Conner, Edmonston, English, Goodenow, Green, Hamer, Hamrick, Handy, Hardin, Henry, Jackson, Logan, Miller, Milligan, Milliken, Orth, Parks, Read, Rockhill, Stewart, Verbrike, and Zenor—29.

So the report was not concurred in.

On motion by Mr. Clements,

The said petition was referred to the committee on the judiciary.

Mr. Handy, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred bill of the House No. 275, entitled an act to incorporate the Greenfield and Shelbyville Railroad Company, have had the same under consideration, and have directed me to report the same back to the Senate with one amendment, and when amended recommend its passage.

Add,

SEC. —. The stockholders shall be liable in their individual capacity for the payment of all dues to laborers for work done upon said road not paid by them in their corporate capacity.

Which report was concurred, and the amendment adopted.

The bill, as amended, was then ordered to a third reading.

Mr. Barbour, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred bill of the House No. 95, entitled an act to incorporate the Delphi Manufacturing Company, have had the same under consideration, and instruct me to report the following amendments to said bill, and upon their adoption, to recommend its passage.

Add the following section:

SEC. 10. The directors of said corporation shall be individually liable for all debts contracted for labor or materials employed within the purposes of this act of incorporation, when the same shall not be paid by them in their corporate character.

Amend section ten:

Add—"And may be amended or repealed by any subsequent legislature."

Number said section eleven, and the last section twelve.

Which report was concurred in, and the amendments adopted.

The bill, as amended, was then ordered to a third reading.

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Leave being granted,

Mr. Handy, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of citizens of Shelby county in relation to a toll bridge, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 219. A bill to amend an act entitled, "an act authorizing Joseph Quinn and James Norvell to erect toll bridges," approved January 13, 1845;

Which was read a first time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a second and third times, and passed.

Leave being granted,

Mr. Clements, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Caleb Hitt and others, praying for an act to vacate certain lots, streets, and alleys in the town of New London, have had the same under consideration, and have directed me to report the accompanying bill, in accordance with the prayer of the petitioners, and recommend its passage:

No. 220. A bill to vacate certain lots and streets in the town of New London, in the county of Daviess.

Which was read a first time.

On motion by Mr. Clements,

The rules were suspended, and the bill read a second and third times, and passed.

Leave being granted,

Mr. Osborn, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred certain claims of Joseph P. Smith, of Lake county, have considered the same, and have unanimously instructed me to report that the sum of one hundred and eighty-six dollars and thirty-nine cents ought to be refunded to said Smith, and to report the following bill, and recommend its passage; and said committee ask to be discharged from the further consideration thereof;

No. 221. A bill for the relief of Joseph P. Smith, of Lake county.

Which was read a first time.

On motion by Mr. Barbour,

The rules were suspended, and the bill read a second and third times.

On the passage of the bill,

The ayes and noes were demanded by Messrs. Bowers and Robinson:

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of Monroe, Clements, Coffin, Davis, Day, Edmonston, English, Goodenow, Green, Hamrick, Handy, Henry, Howell, Jackson, Logan, Marsh, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stockwell, Waters, Winchell, and Zenor—31.

Those who voted in the negative are,

Messrs. Bowers, Bradbury, Chenowith, Coats, Conner, Hamer, Hardin, Holloway, Milligan, Morgan, Murphey, Orth, Robinson, Stewart, and Verbriek—15.

So the bill was passed.

Leave being granted,

Mr. Robinson, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 215, have, according to order, had the same under consideration, and

have directed me to report the same back to the Senate, with one amendment herewith filed, marked (A), which, when adopted, they recommend its passage;

Strike out from the enacting clause, and insert the following:

No. 215. A bill to authorize probate judges in certain counties to grant writs of *habeas corpus*.

Which report was concurred in,

And the amendment adopted.

On motion by Mr. Robinson,

The rules were suspended, and the bill, as amended, read a third time, and passed.

The following message from the House of Representatives was then taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills and joint resolutions thereof:

No. 38. An act defining the mode of publishing the delinquent tax lists in the several counties in this State;

No. 241. An act to amend an act, entitled "An act to incorporate the town of Columbus, in Bartholomew county, Indiana," approved February 6, 1839;

No. 246. An act to authorize writs of *ne exeat*;

No. 248. An act to authorize the location and establishment of a State road from Salem, in Washington county, by Lawrenceport on White river, to Bedford, in Lawrence county;

No. 250. An act in regard to the former surplus revenue agent, in Perry county, (John Elder) and his securities;

No. 253. An act to vacate certain alleys in the town of Greencastle, Putnam county;

No. 255. A joint resolution relative to the public lands in the county of Gibson;

No. 256. An act to provide for the election of an additional justice of the peace, and constable, in Jackson township, in Boone county;

No. 259. A joint resolution relative to the St. Joseph river;

No. 264. An act for the better protection of stock running at large;

No. 266. An act to improve the Michigan road in Carroll county;

No. 269. An act to amend an act, entitled "An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike," approved January 31, 1842;

No. 272. An act to amend the provisions of chapter 37, section 70, part 3rd, article 1st, of the Revised Statutes of 1843;

No. 274. An act to amend the 144th section of the 30th chapter of the Revised Statutes of 1843;

No. 277. An act to amend the act regulating the proceedings under the writ of *ad quod damnum*;

No. 278. An act in relation to roads and highways in Lagrange county;

No. 280. An act to legalize the acts of Robert Leffler as school commissioner of Harrison county;

No. 286. An act to establish and relocate a State road in Vigo county;

No. 287. An act for the relief of lessees of water power at Wabash dam, No. 4, in Carroll county;

No. 288. An act to relocate the State road from Rushville, in Rush county, to Laurel, in Franklin county;

No. 289. An act to amend an act, entitled "An act relative to leveeing the Wabash river, on Shaker Prairie," approved January 14, 1846;

No. 291. An act to incorporate the town of Muncie, in Delaware county;

No. 296. An act to improve the roads in Centre township, in the county of Dearborn;

No. 298. An act more fully to explain the 54th section, chapter 16, of the Revised Statutes of 1843;

No. 290. A joint resolution in relation to settlers upon the Great Miami Reserve;

No. 300. An act for the relief of Henry Wells, sheriff of Lake county;

No. 301. An act relative to road tax in Laporte county;

No. 303. An act for the relief of the inhabitants of district No. 6, in township two north, of range two east, in the counties of Washington and Orange;

No. 305. An act to locate a State road between the counties of Noble and Lagrange;

No. 308. An act to regulate the price of tax deeds;

No. 310. An act providing for the fees of auditor of Hancock county;

No. 311. An act to amend an act, entitled "An act relative to overseers of the poor," approved January 15, 1844;

No. 313. An act amendatory of, and supplementary to, the 15th chapter of the Revised Statutes of 1843, in relation to common schools;

No. 316. An act to authorize the citizens of Wabash county to build a bridge across the Wabash river, on dam number two, in said county;

No. 319. An act in relation to grand juries in the county of Washington;

No. 321. An act authorizing the canal commissioner to credit and receipt for moneys heretofore paid by purchasers of Wabash and Erie Canal lands;

No. 322. An act providing for the location of a State road in the counties of Posey and Vanderburgh;

No. 323. An act for the relief of Abram Hendricks & Son;

No. 325. A joint resolution on the subject of education;

No. 332. An act for the relief of Albert B. Nesbit, of the county of Posey;

No. 334. An act to provide for the improvement of county libraries;

No. 335. An act to amend the first article of the 50th chapter of the Revised Statutes of 1843;

No. 337. An act to authorize settlers on the public land to petition for county roads;

No. 339. An act to authorize the probate judge of Fountain county to issue writs of *habeas corpus*, and take acknowledgments of deeds;

No. 340. An act to legalize the marriage of William Howell and Mary Howell;

No. 341. An act to amend "An act giving the right to the voters of Marion county to decide as to authorizing license to retail spirituous liquors in their townships," approved January 19, 1846;

No. 342. An act to authorize Nelson Peck and Elmore H. Wilcox to continue a mill-dam across the Iroquois river, in Jasper county;

No. 343. An act regulating the jurisdiction of justices of the peace in Switzerland county, and for other purposes;

No. 344. An act to authorize the formation of voluntary associations;

No. 370. An act to amend the acts now in force in regard to sending students to the State University;

No. 348. An act for the improvement of common schools in the State of Indiana.

In which the concurrence of the Senate is requested.

The House have also passed engrossed bills of the Senate, of the following titles, without amendment:

No. 54. A bill to correct a mistake in the enrolling and publishing an act to amend the several acts now in force relative to the New Albany and Vincennes road, approved January 19, 1846;

No. 65. An act to incorporate the grand and subordinate divisions of the Sons of Temperance, of the State of Indiana;

No. 72. An act incorporating the Upper Wabash Canal Company;

No. 101. An act to amend an act to incorporate the Lafayette Bridge Company;

No. 112. An act to legalize the transfer of certain canal land certificates;

No. 116. An act to incorporate the trustees of the Fort Wayne Female College;

The House have also passed the following engrossed bill of the Senate, with an amendment:

No. 68. An act fixing the time of holding the circuit courts in the county of Marion;

In which amendment the concurrence of the Senate is respectfully requested.

Bill No. 38, in said message, was read a first time.

On motion by Mr. Allison,

The rules were suspended, and the bill read a second time, and referred to the committee on finance.

No. 241 was read a first time.

On motion by Mr. Barbour,

The rules were suspended, and the bill read a second time, and referred to the committee on corporations.

No. 246 was read a first time.

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a second time and referred to the committee on the judiciary.

No. 248 was read a first time.

On motion by Mr. Hamer,

The rules were suspended, and the bill read a second time, and referred to a select committee of Messrs. Hamer, Logan, and Read.

No. 250 was read a first time.

On motion by Mr. Howell,

The rules were suspended, and the bill read a second time, and referred to the committee on education.

No. 255 was read a first time.

On motion by Mr. Edmonston,

The rules were suspended, and the joint resolution read a second time, and referred to the committee on federal relations.

No. 259 was read a first time.

On motion by Mr. Berry of Franklin,

The rules were suspended, and the joint resolution read a second time, and referred to the committee on federal relations.

No. 264 was read a first time.

On motion by Mr. Hamrick,

The rules were suspended, and the bill read a second time.

Mr. Hamrick then offered the following amendment to the bill:

Amend by adding after the word "thereof," in the 8th line, the words "also, between lots numbered 170 and 183 on the one side thereof, and 169 and 184 on the other side thereof."

Which amendment was adopted.

On motion by Mr. Hamrick,

The rules were suspended, and the bill, as amended, read a third time and passed.

No. 266 was read a first time and ordered to a second reading.

No. 269 was read a first time and ordered to a second reading.

No. 272 was read a first time.

On motion by Mr. Beard,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

No. 274 was read a first time.

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a second time, and ordered to a third reading.

No. 277 was read a first time.

On motion by Mr. Hamer,

The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

No. 278 was read a first time and ordered to a second reading.

No. 280 was read a first time and ordered to a second reading.

No. 286 was read a first time.

On motion by Mr. Henry,

The rules were suspended, and the bill read a second time and referred to the committee on roads.

Nos. 287 and 288 were severally read a first time and ordered to a second reading.

No. 289 was read a first time.

On motion by Mr. Henry,

The rules were suspended, and the bill read a second time and referred to a select committee of Messrs. Henry, Ellis, and Clements.

No. 291 was read a first and second times, the rules being suspended, and referred to the committee on corporations.

No. 296 was read a first time.

On motion by Mr. Milliken,

The rules were suspended, and the bill read a second and third times and passed.

No. 298 was read a first time.

On motion by Mr. Murphey,

The rules were suspended, and the bill read a second time and referred to the committee on roads.

No. 299 was read a first time.

On motion,

The rules were suspended, and the joint resolution read a second time and referred to the committee on federal relations.

No. 300 was read a first time.

On motion by Mr. Osborn,

The rules were suspended, and the bill read a second and third times and passed.

No. 301 was read a first time and ordered to a second reading.

No. 303 was read a first time.

On motion by Mr. Logan,

The rules were suspended, and the bill read a second and third times, and passed.

No. 305 was read a first time.

On motion by Mr. Marsh,

The rules were suspended, and the bill read a second time and ordered to a third reading.

No. 308 was read a first time.

On motion by Mr. Logan,

The rules were suspended, and the bill read a second time and referred to the committee on the judiciary.

No. 310 was read a first time.

On motion by Mr. Jackson,

The rules were suspended, and the bill read a second and third times and passed.

No. 311 was read a first and second times, the rules being suspended, and ordered to a third reading.

No. 313 was read a first time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a second time and referred to the committee on education.

No. 316 was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time and referred to the committee on corporations.

No. 319 was read a first time.

On motion by Mr. Logan,

The rules were suspended, and the bill read a second and third times and passed.

No. 322 was read a first time.

On motion by Mr. Stockwell,

The rules were suspended, and the bill read a second time and referred to a select committee of Messrs. Stockwell, Murphey, and Berry of Monroe.

No. 321 was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time and referred to the committee on the judiciary.

No. 323 was read a first time.

On motion by Mr. Murphey,

The rules were suspended, and the bill read a second time and referred to the committee on claims.

No. 325 was read a first time.

On motion by Mr. Holloway,

The rules were suspended, and the joint resolution read a second time and referred to a select committee of Messrs. Holloway, Parks, and Montgomery.

No. 332 was read a first time.

On motion by Mr. Montgomery,

The rules were suspended, and the bill read a second time and referred to the committee on claims.

Nos. 334 and 335 were severally read a first time and ordered to a second reading.

No. 237 was read a first time.

On motion,

The rules were suspended, and the bill read a second time and referred to the committee on roads.

No. 339 was read a first time.

On motion by Mr. Coats,

The rules were suspended, and the bill read a second and third times and passed.

No. 340 was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second and third times.

On motion by Mr. Goodenow,

The bill was then laid upon the table.

No. 341 was read a first and second times, the rules being suspended.

Mr. Barbour moved to lay the bill upon the table.

Which motion did not prevail.

On motion by Mr. Logan,

Said vote was reconsidered.

The bill was then laid upon the table.

No. 342 was read a first time.

On motion,

The rules were suspended, and the bill read a second and third times and passed.

On motion by Mr. Orth,

The vote was reconsidered by which said bill was passed.

On motion by Mr. Montgomery,

The bill was then referred to a select committee of Messrs. Montgomery, Ellis, and Osborn.

A message from His Excellency the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he did, on the 8th inst., approve and sign the following bill:

No. 46. An act to provide for the increase of the number of pilots at the falls of the Ohio river in this State;

Which originated in the Senate.

January 12, 1847.

On motion,

The Senate adjourned.

WEDNESDAY MORNING, JANUARY 13, 1847.

The Senate assembled.

The journal of the preceding day was read.

Mr. Conner presented the petition of sundry citizens of Hamilton county in relation to a certain road; which,

On motion by Mr. Conner,

Was referred to a select committee of Messrs. Conner, Verbriek, and Jackson.

Mr. Verbriek presented the petition of sundry citizens of Hendricks county relative to a certain road therein named; which,

On motion by Mr. Verbriek,

Was referred to the select committee having that subject under consideration.

Mr. Zenor presented the petition of Sanford Cromwell and others in relation to the division of certain school districts; which,

On motion by Mr. Zenor,

Was referred to the committee on education.

Mr. Clements presented the petition of sundry citizens of Daviess county in relation to grading a certain portion of the New Albany and Vincennes road; which,

On motion by Mr. Clements,

Was referred to a select committee of Messrs. Clements, Davis, Miller, Zenor, and Logan.

Mr. Conner presented the petition of Amos Palmer, of Hamilton county, praying the passage of a law authorizing the board doing county business in said county to make him an allowance for certain extra services; which,

On motion by Mr. Conner,

Was referred to a select committee of Messrs. Conner, Jackson, and Stewart.

Mr. Parks, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the House No. 38, defining the mode of publishing the delinquent tax lists in the several counties in this State, have, according to order, had that subject under consideration, and a majority have instructed me to report the bill back to the Senate without amendment, and recommend its passage.

On motion by Mr. Parks,
The rules were suspended and the bill read a third time.

On the passage of the bill,

The ayes and noes were demanded by Messrs. Murphey and Orth.

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Day, Edmonston, Ellis, English, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Montgomery, Osborn, Parks, Read, Robinson, Stockwell, Verbriek, Waters, Winchell, and Zenor—41.

Those who voted in the negative are,

Messrs. Morgan, Murphey, Orth, and Rockhill—4.

So the bill passed.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 90, entitled "An act in relation to the service of subpoenas in chancery," have had the same under consideration, and instructed me to report the same back to the Senate, and recommend its indefinite postponement;

Which report was not concurred in.

On motion by Mr. Davis,

The bill was then recommitted to a select committee of Messrs. Davis, Orth, and Henry.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 237, entitled "An act to provide for the election of prosecuting attorneys by the people in the several counties," have had the same under consideration, and have instructed me to report the same back with two amendments, upon the adoption of which they recommend its passage.

Amend the 6th section as follows:

After the words "docket-fee," in the 3d line, insert the words "of three dollars upon a plea of guilty, and a docket-fee of."

After the word "conviction," in the 4th line, insert "upon a plea of not guilty."

Amend the 7th section by striking out in the 4th line the words "one thousand," and insert in lieu thereof the words "five hundred."

Which report was concurred in and the amendments adopted.

Mr. English moved to amend the bill by striking out "three dollars," and insert "two dollars."

Mr. Read called for a division of the question.

The question recurring upon striking out,

The ayes and noes were demanded by two Senators.

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Clements, Coats, Day, English, Green, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Miller, Milliken, Morgan, Montgomery, Read, Simpson, Stockwell, Verbribe, Waters, and Zenor—26.

Those who voted in the negative are,

Messrs. Barbour, Beard, Bradbury, Chenowith, Coffin, Conner, Davis, Edmonston, Ellis, Goodenow, Holloway, Logan, Marsh, Milligan, Murphey, Orth, Osborn, Parks, Robinson, Rockhill, and Winchell—22.

So the Senate decided to strike out.

Mr. Allison moved to amend the amendment of Mr. English by striking out "two dollars" and inserting "two dollars and fifty cents."

Mr. Milliken proposed to insert "four dollars;"

Which amendment was adopted.

Mr. English moved to lay the bill and pending amendments upon the table.

The ayes and noes being demanded thereon by Messrs. English and Ellis,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Coats, Day, English, Green, Handy, Howell, Jackson, Marsh, and Zenor—10.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Edmonston, Ellis, Goodenow, Hamer, Hamrick, Hardin, Henry, Holloway, Logan, Miller, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stockwell, Verbribe, Waters, and Winchell—37.

So the bill and amendments were not laid on the table.

Mr. Barbour moved to reconsider the vote by which the amendment for inserting "four dollars" was adopted;

Which motion prevailed.

Mr. Berry of Monroe moved to reconsider the vote striking out "three dollars;" and,

The ayes and noes being demanded thereon by Messrs. Berry of Franklin and Hardin,

Those who voted in the affirmative are,

Messrs. Beard, Barbour, Berry of Monroe, Bradbury, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Hardin, Henry, Holloway, Howell, Logan, Marsh, Milligan, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stockwell, Verbribe, and Winchell—33.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Bowers, Clements, Coats, Day, Edmonston, English, Green, Handy, Jackson, Miller, Milliken, Stewart, Waters, and Zenor—16.

So the vote was reconsidered.

The question then recurring upon striking out the words "three dollars;" and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Clements, Coats, Day, Edmonston, English, Green, Hamrick, Handy, Henry, Howell, Jackson, Miller, Milliken, Morgan, Montgomery, Read, Simpson, Stewart, Stockwell, Waters, and Zenor—23.

Those who voted in the negative are,

Messrs. Barbour, Beard, Berry of Monroe, Bradbury, Chenowith, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hardin, Holloway, Logan, Marsh, Milligan, Murphey, Orth, Osborn, Parks, Robinson, Rockhill, Verbribe, and Winchell—24.

So the Senate refused to strike out.

Mr. Orth moved to suspend the rules and read the bill a third time now; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of

Monroe, Bowers, Bradbury, Chenowith, Coats, Conner, Davis, Day, Edmonston, Ellis, Goodenow, Green, Hamer, Hamrick, Hardin, Henry, Holloway, Jackson, Logan, Miller, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Verbriek, and Winchell—38.

Those who voted in the negative are,

Messrs. Clements, English, Handy, Howell, Marsh, Stewart, Waters, and Zenor—8.

So the rules were suspended and the bill read a third time.
On the passage of the bill,
The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Conner, Davis, Day, Edmonston, Ellis, Goodenow, Green, Hamer, Hamrick, Hardin, Henry, Holloway, Jackson, Logan, Miller, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Read, Robinson, Rockhill, Verbriek, and Winchell—37.

Those who voted in the negative are,

Messrs. Clements, English, Handy, Howell, Marsh, Simpson, Stewart, Waters, and Zenor—9.

So the bill was passed.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills and joint resolutions of the Senate:

No. 19. An act to incorporate Anderson's Collegiate Institute;

No. 20. An act amending an act entitled "An act providing compensation to supervisors of roads and highways," approved January 10, 1845;

No. 25. An act to change the name of Francis Ann Fisher;

No. 66. An act to facilitate the building of school houses in the county of Dearborn;

No. 8. An act to amend an act entitled "An act to incorporate the city of Richmond, Wayne county, Indiana," approved February 20, 1840;

No. 4. An act to amend an act entitled "An act to enable the

township of Lawrenceburgh, in Dearborn county, to turnpike all the roads within the same," approved January 20, 1846;

No. 29. An act for the benefit of the volunteers for the Mexican war, and for the relief of county treasurers;

No. 49. An act relative to allowances to guardians;

No. 33. An act authorizing the Governor of this State to order a special election for Representatives in Congress in certain cases;

No. 45. An act to authorize clerks of circuit courts to issue writs to other counties in certain cases;

No. 98. An act to authorize Malon Waldron and Caleb Boots to maintain and keep up a mill-dam in Grant county;

No. 50. A joint resolution in relation to furnishing a copy of the lands selected by the State for the completion of the Wabash and Erie canal;

No. 58. An act to repeal an act entitled "An act providing for removing obstructions in Buck creek, in Henry county," approved January —;

No. 51. An act for the relief of purchasers of seminary lands in Monroe and Gibson counties;

No. 53. An act to authorize Nelson Conner of the county of Grant, and State of Indiana, to maintain and keep up a mill-dam across the Mississinnewa river;

No. 59. An act to vacate a part of a certain State road in the county of Ripley;

No. 104. An act to vacate a certain alley in the town of Putnamville;

No. 85. An act to amend an act entitled "An act to incorporate the town of Jeffersonville," approved January 28th, 1839," and the amendments thereto;

No. 88. An act to repeal a certain act therein named;

No. 95. An act to legalize the election of trustees for the corporation of Greensboro', Henry county;

No. 99. An act in relation to retailing intoxicating liquors in Wayne county;

No. 111. An act extending the time of holding the several terms of the probate court of Vanderburgh county;

No. 121. An act in amendment of an act entitled "An act to abolish the office of county auditor in the county of Warrick," approved January 13, 1844;

No. 76. An act to change the mode of doing county business in the county of Decatur;

No. 82. An act to prevent county treasurers and other officers from holding certain real estate;

No. 64. An act for the relief of David Burr;

Which I am directed to bring to the Senate for the signature of the President thereof.

Which bills were accordingly signed by the President.

Mr. Robinson, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill of the Senate No. 203, entitled "An act to authorize the suing out a writ of *ad quod damnum* in a certain case therein named," have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Marsh,

The rules were suspended, and the bill read a third time and passed.

Mr. Ellis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which has been referred Senate bill No. 216, relative to divorces, have instructed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a third time and passed.

On motion by Mr. Ellis,

The title of the bill was amended, by adding thereto the words "relative to divorces."

Mr. Winchell, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee to which was referred House bill No. 243, have had the same under consideration, and have directed me to report the same back for the consideration of the Senate.

On motion by Mr. Berry of Franklin,

The bill was laid upon the table.

Mr. Clements, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to which was referred bill of the Senate No. 148, have considered the same, and directed me to re-

port it back and recommend that it lie on the table, the Senate having already passed a bill on that subject.

Which report was concurred in, and the bill accordingly laid upon the table.

Mr. Clements, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary to which was referred bill of the House No. 142, have had the same under consideration, and have directed me to report it back and recommend its reference to the committee on roads.

Which report was concurred in, and the bill so referred.

Mr. Murphey, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill of the House No. 222, entitled a bill to amend section 414, chapter 40, of the Revised Statutes of 1843, relative to advertising real estate at sheriff's sale, have had the same under consideration, and have directed me to report it back to the Senate and recommend its passage.

Said bill was ordered to a third reading.

Mr. Barbour, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to which was referred resolution of the Senate relative to a proposed amendment extending the provisions of the 5th article, 48th chapter of Revised Statutes of 1843, to cases where dam or dams are built, having examined the subject, have instructed me to report that they deem it inexpedient to legislate thereon, and ask to be discharged.

Which report was concurred in.

Mr. Barbour, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to which was referred a resolu-

tion of the Senate relative to the repeal of sections 48 and 49, article 2d, chapter 29, of the Revised Statutes, have instructed me to report that they deem it inexpedient to legislate on that subject, and ask to be discharged.

Which report was concurred in.

Mr. Osborn, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The judiciary committee to which was referred Senate bill No. 171, with instructions to make the law general, have instructed me to report the same back with the following amendment, and when so amended, recommend its passage, and said committee ask to be discharged from the further consideration thereof.

Strike out from the enacting clause, and insert the following :

No. 171. A bill in relation to travelling merchants or pedlars.

Mr. Montgomery moved to concur in the amendment with an amendment, excepting the county of Warren from the provisions of the bill.

On motion by Mr. Berry of Franklin,

The amendment of Mr. Montgomery was laid on the table.

On motion by Mr. Edmonston,

The amendment of the committee was then laid on the table.

Mr. Barbour moved to reconsider the vote by which an amendment to the original bill extending the provisions thereof to the counties of Bartholomew and Jennings, was adopted.

Which motion prevailed.

On motion by Mr. Henry,

The vote was reconsidered extending the provisions of said bill to the counties of Vigo, Sullivan, and Clay.

On motion by Mr. Berry of Franklin,

The vote was reconsidered extending the provisions of said bill to the county of Franklin.

On motion by Mr. Osborn,

The bill was amended by striking out of the first section thereof the word "twenty," and inserting "fifty."

On motion,

The bill was amended by including in its provisions the following counties, to-wit:

Jefferson, Decatur, Switzerland, Ohio, Fayette, Union, Montgomery, Lawrence, Knox, Vermillion, Putnam, Harrison, St. Joseph, Daviess, and Martin.

Mr. Holloway moved to amend the bill as follows :

Amend by striking out the word "foreign" in the first section, and

insert after the word "merchandize" in the same section, "not manufactured in this State."

Which amendment was adopted.

Mr. Orth moved to amend the bill so as to make its provisions general.

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Day, Ellis, Hamer, Hamrick, Holloway, Logan, Miller, Milliken, Morgan, Murphey, Orth, Parks, Robinson, Simpson, Stockwell, Winchell, and Zenor—26.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Monroe, Davis, Edmonston, English, Goodenow, Green, Handy, Hardin, Henry, Jackson, Marsh, Milligan, Montgomery, Osborn, Read, Rockhill, Stewart, Verbrike, and Waters—21.

So the amendment was adopted.

Mr. Handy moved to lay the bill upon the table.

The ayes and noes being demanded thereon by Messrs. Handy and Marsh,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Monroe, Clements, Conner, Edmonston, English, Handy, Hardin, Marsh, Milligan, Montgomery, Read, Rockhill, Stewart, Verbrike, Waters, and Zenor—18.

Those who voted in the negative are,

Messrs. Beard, Berry of Franklin, Bowers, Bradbury, Chenowith, Coats, Davis, Day, Ellis, Goodenow, Green, Hamer, Hamrick, Henry, Holloway, Jackson, Logan, Miller, Milliken, Morgan, Murphey, Orth, Osborn, Parks, Robinson, Simpson, Stockwell, and Winchell—28.

So said bill was not laid upon the table.

Mr. Marsh moved that said bill be indefinitely postponed.

Pending which,

Mr. Orth moved the previous question,

Which was seconded by the Senate.

The question being,

"Shall the main question be now put ?"

It was so ordered.

The main question being,

"Shall the bill be engrossed for a third reading?"

The ayes and noes were demanded by two Senators; and,

Those who voted in the affirmative are,

Messrs. Bradbury, Chenowith, Clements, Coats, Conner, Davis, Day, Ellis, Goodenow, Hamer, Hamrick, Holloway, Howell, Logan, Miller, Milligan, Milliken, Morgan, Murphey, Orth, Osborn, Parks, Robinson, Simpson, Stockwell, Waters, and Winchell—26.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Berry of Monroe, Bowers, Edmonston, English, Green, Handy, Hardin, Henry, Jackson, Marsh, Montgomery, Read, Rockhill, Stewart, Verbrike, and Zenor—19.

So said bill was ordered to be engrossed for a third reading.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report, that on the 13th day of January, 1847, they presented to His Excellency, the Governor, for his approbation and signature, bills of the Senate Nos. 8, 66, 25, 20, 19, 4, 29, 49, 33, 45, 98, 50, 58, 51, 53, 59, 104, 85, 88, 95, 99, 111, 121, 76, 82, and 64.

Mr. Henry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill of the House No. 235, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Henry,

The rules were suspended, and the bill read a third time, and passed.

Mr. Milligan, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads to whom was referred petitions of sundry citizens of Jay county, on the subject of roads therein, have had

the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 222. A bill to amend an act, entitled "An act to establish a free turnpike road in Jay county," approved January 13, 1846.

Which was read a first time, and ordered to a second reading.

Mr. Berry of Monroe, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads to whom was referred the petition of sundry citizens of Jay county, praying for the passage of a law declaring Brown's survey from Portland, thence east, &c., a State road; also the appropriation of the land tax on all lands on each side thereof, for the distance of two miles, to its construction and repairs, have had that subject under consideration, and find that an act was passed, and approved January 19, 1846, giving the commissioners of said county the power to appropriate said tax to any road or roads in said county, under the advice of the citizens thereof. Therefore, your committee, being of the opinion that the granting of the prayer of the petitioners would tend to make innovations which would lead to a virtual repeal of said law aforesaid. And further, that said tax can be appropriated under the direction of the commissioners aforesaid, by the advice of the people of said county, as properly, or more so, than can be by the Legislature, on the prayer of a few petitioners. We are, therefore, clearly of opinion, that it would be better not to legislate on the subject, and would recommend that said petition be laid upon the table.

Which report was concurred in.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims to whom was referred bill of the House No. 251, entitled "An act providing for the settlement of a claim of Adam Moderwell," have had the same under their consideration, and a majority of said committee have directed me to report the same back to the Senate, and recommend its passage.

Mr. Berry of Franklin moved to amend the bill as follows:

Provided, Such inquiry shall be confined to the contract referred to in the bill.

Which was not adopted.

Mr. Robinson moved to suspend the rules, and read the bill a third time now.

Which motion prevailed.

Mr. Berry of Franklin then moved to recommit the bill to a select committee, with the following instructions:

Amend so that the commissioner shall report the testimony to the next General Assembly, to enable it to determine what is justly due to said Moderwell.

Mr. Milliken moved to lay the motion to recommit, and the instructions, on the table;

And the ayes and noes being demanded thereon by two Senators:

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Clements, Coats, Coffin, Conner, Davis, Ellis, English, Goodenow, Hamrick, Holloway, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Simpson, and Waters—25.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Chenowith, Edmonston, Green, Hamer, Handy, Hardin, Jackson, Logan, Marsh, Miller, Milligan, Read, Stewart, Stockwell, Verbriek, and Winchell—18.

So the motion and instructions were laid upon the table.

The question then recurring on the passage of the bill,

The ayes and noes were demanded thereon by two Senators:

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Day, Ellis, English, Goodenow, Hamrick, Holloway, Marsh, Milliken, Morgan, Murphey, Orth, Osborn, Robinson, Simpson, Stewart, Stockwell, and Zenor—28.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Edmonston, Green, Hamer, Handy, Hardin, Logan, Miller, Milligan, Montgomery, Parks, Read, Verbriek, Waters, and Winchell—16.

So the bill was passed.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims to whom was referred bill of the House No. 332, entitled "An act for the relief of Albert B. Nesbit, of the county of Posey, have directed me to report the same back to the

Senate, and recommend its reference to the committee on the judiciary, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the bill accordingly so referred.

Mr. Bowers, chairman of the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee to whom was referred a resolution inquiring whether the fifth article of chapter twenty-five, Revised Statutes, is a dead letter, and if so, whether justice and sound policy do not require some further legislation for the encouragement of agriculture and the diffusion of agricultural intelligence among the farming community, have had the same under consideration, and beg leave to report as follows:

Soon after the passage of the act referred to, a State Board was organized, and continued in existence for two years. No provision having been made for its necessary expenses, the members of the Board, after paying the same for two years, from their own means, declined further action, and the Board has long since ceased to have any existence out of the Statute Book. At one time numerous county societies were organized; but, like the parent Board, after a short existence they languished and died.

The reasons of these failures are important to be known, as furnishing the means of avoiding a like disaster, should another effort be made to resuscitate the Board.

1. While agricultural societies have exerted a powerful influence upon the prosperity of the community, permanent and universal experience has proved that no long existence or important success can be had unconnected with pecuniary funds. In our oldest States, and where capital and a spirit of liberality abound, it has seldom been possible to sustain agricultural societies, for any considerable time, without public legislative aid. It is the testimony of one of the best farmers of New York, that little life or success attended the movements of the State society until it was aided by public grants; and since then its power is felt in every county of that State, and its meetings attract visitors from almost every State in the Union.

The Legislatures of Massachusetts, New York, Michigan, and many other States, contribute of the public funds to agricultural societies, not alone because they enlighten the public mind, but because in no other way can the actual riches of the State be so directly and largely augmented.

It may be said, without exaggeration, that for the six thousand dollars which New York annually votes to her State Agricultural Society, she receives, in the increased quantity and quality of her products, more than a hundred fold. The discontinuance of this

sum would, within a few years, be a direct pecuniary loss to the State.

The wheat crop for 1840, for the county of Marion, Indiana, was 78,000 bushels. The average yield, in this county, is not above 12 bushels per acre. Were the least stimulus applied, the average could not fail to rise to sixteen bushels, or one fourth—giving more than 97,000, instead of 78,000 bushels, and a difference to the county, on a single article of produce, in one year, of more than \$8,000. Should the efforts of five years raise the average product of a county one fourth, can there be a doubt that, with a large increase of taxable property for State or county purposes, there would also be an ability to meet the tax? But besides the increased value given to staple crops, the amelioration of our herds, and the vast increase of our dairy products, encouragement on the part of the State would induce the cultivation of many articles of value, which now contribute scarcely a farthing to the public riches.

It is supposed that no objection can be drawn from the pecuniary difficulties of the State, against a liberal encouragement of the productive interests; for it must appear, upon reflection, to all, that all plans for the relief of the State indebtedness, must ultimately rest upon a vigorous development of her abundant resources. No legislation, it would seem to your committee, can be wiser than that which shall powerfully encourage and develop the industrial resources of the State.

2. Another cause of the failure of past efforts in favor of improved husbandry, is to be found in the extravagant hopes which had inflated the public mind at the time of the passage of the Statute in question. The public mind was withdrawn from intelligent enterprise, from persevering industry and skill steadily applied to the soil and to its products in manufacturing. Hope was founded on the mysterious rise of property, on the magic spells of speculation. The evils usually arising from wealth suddenly gained, without any equivalent rendered, in this case began to appear in *advance*. Our yeomanry abandoned domestic manufactures, and depended upon the store for all their wants; their expenses rapidly increased; hazardous debts were incurred, with hardly a thought of trouble or difficulty of payment.

It is not hard to perceive that the public mind was in no state to undertake improvements which require care, patience, minute fidelity, hardy and persevering industry. There cannot be any speculation in agriculture. It is in this respect a model. There are no gains without labor and no skilful labor without gain. Gain and labor respectively measure each other. The moment that husbandry abandons full-handed labor, for speculative risks, it is diseased, and will surely break out with symptoms of decay and death.

3. A short period of illusive prosperity was followed by a revolution equally prejudicial to the agricultural interest, but for different reasons. In prostration, hope, without which men can never long

exert themselves, was as low as before it had been high. Men were loaded with debts, and saw no means of paying them; they had no heart to bestow labor and improvements upon property lying under mortgages, and soon to go out of their hands. The enervation of a false prosperity was never so apparent as in the unwillingness of men to labor for *small gains*; markets were stagnant, or the expense of reaching them was more than the products would bear. No one cared whether his acre produced fifteen or fifty bushels of grain, if he could neither use nor sell it. Upon many the reverses extinguished all desire for improvement. Others were too much embarrassed to affect any considerable amelioration; and all were too anxious about their private affairs to give heed to projects of public improvement however rational.

The whole period of delusion and its results have now nearly passed away. It is hoped that men are cured of expecting riches without earning them. And it is believed that there was never a greater disposition in the public mind to receive information and to put in practice the best modes of husbandry.

There is no one branch of industry which has received to a greater extent the labors of scientific men of the first eminence, than agriculture. The sciences which bear upon its various functions have been pursued with singular zeal, and the practice of agriculture in foreign lands, has been reduced to an art. It has stood pre-eminent among all industrial pursuits, as being the favorite occupation of the most distinguished men in every walk of life; crowned heads and princes, nobles and scholars, divines and civilians, have united with the husbandman, or surpassed him in a zeal for improving the soil. Governments have fostered this grand source of prosperity with the most anxious care. In Germany, in France, in Great Britain, and in other European States, large national or private institutions exist for instruction, theoretical and practical, in every branch of agriculture. In Great Britain alone, there are some ten or twelve institutions especially devoted to this noble art and science. The improvements which have followed these efforts are almost incredible.

In our own land we have prospered by the original fertility of soil, and by its unmeasured abundance, rather than by skilful husbandry. During the last year, a professorship of agricultural chemistry has been attached to Yale College, and two or three private agricultural schools, upon a limited scale, have been organized. These are indications of the direction which the public mind is taking. Already many of the eastern States of our confederacy have taken strong ground upon this subject. Massachusetts has had her lands surveyed by an efficient commissioner, and the condition of her agriculture reported. She enables her State society to send to Europe and select for the State the choicest specimens of the far-famed foreign herds.

Maine, Vermont, New Hampshire, Rhode Island, and Connecticut.

cut, with various degrees of liberality, pursue a like course with reference to agriculture and the mechanic arts. New York ranks by the side of Massachusetts for her zeal and liberality in fostering agriculture, not alone by large grants of money, but especially by a wise provision for the distribution of school libraries and periodicals, by which agricultural information of the most approved worth is brought within the reach of the whole population. Much interest is awakening in Ohio, and efficient legislative action is confidently expected. Michigan is far in advance of her neighbors in a public liberality to agriculture, provision having been made that each county society should receive one hundred dollars per annum from the treasury.

If we withdraw our attention from sister States, to our own, we are struck with regret, that Indiana, one of the largest, most fertile, and noble agricultural States in the Union, is behind nearly all others, in any regard for the promotion of agriculture. There is not within her bounds a single school or college, where one may be specially instructed in the science of agriculture. In nearly one hundred counties, there is probably not ten agricultural societies. The State Board is extinct. Not one farthing is contributed in any form from the public fund, to foster this fundamental pursuit. In a population now not much less than a million, there are not two thousand copies of agricultural papers taken. The improved implements of husbandry are little known and less employed among us. No material efforts have been made for the improvement of our herds and flocks. It is believed that such a state of things is impoverishing the public treasury. It is believed that all improvements in agriculture, increase the amount of taxable value, and put into the hands of the owner ample means of paying the increased tax.

Your committee are disposed to believe, that the State Legislature should most seriously exert itself, to awaken and encourage a spirit of enterprise and improvement in agriculture.

They cannot in the present attitude of public affairs, advise a large outlay. Indeed, it is thought that a beginning only, can be made at this time; and that we must look to future legislation for a gradual increase of provisions for this object. They believe that it is expedient to revive the State Board—to put into its hands funds sufficient to defray the expense of correspondence, and the collection and preparation of statistics.

The committee, in view of these suggestions, recommend that the Governor be requested to appoint a Board of Agriculture agreeably to the provisions of our Statute; and they also present the bill accompanying this report, and respectfully recommend its passage.

No. 223. A bill supplementary to article 5th, chapter 30, Revised Statutes;

Which was read a first time, and ordered to a second reading.

On motion by Mr. Ellis,

Said report was laid upon the table, and 1000 copies thereof were ordered to be printed for the use of the Senate.

Mr. Handy, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the House No. 291, entitled "An act to incorporate the town of Muncie, in Delaware county, have had the same under consideration, and have directed me to report it back, without amendment, and recommend its passage.

On motion by Mr. Winchell,

The rules were suspended and the bill read a third time and passed.

Mr. Marsh, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred House bill No. 187, have had that subject under consideration and directed me to report it back to the Senate and recommend its passage.

On motion,

The rules were suspended and the bill read a third time and passed.

Mr. Berry of Franklin, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred House bill No. 316, entitled "A bill to authorize the citizens of Wabash county to build a bridge across the Wabash river, on Dam No. 2, in said county," have had that subject under consideration, and directed me to report it back to the Senate, and recommend its passage.

On motion by Mr. Orth,

The rules were suspended and the bill read a third time and passed.

Mr. Conner, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 211, entitled "A bill to incorporate the town of Point Commerce, in Greene county," have had the same under considera-

tion, and have directed me to report the same back without amendment, and recommend its passage.

On motion by Mr. Conner,
The rules were suspended and the bill read a third time and passed.
Leave being granted,
Mr. Davis introduced,
No. 224. A bill providing for the publication of certain laws therein named;
Which was read a first time.
On motion by Mr. Davis,
The rules were suspended, and the bill read a second time and referred to the committee on the judiciary.
On motion,
The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.
Leave being granted,
Mr. Clements, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the House No. 60, entitled "A bill to fix the time of holding courts in the 10th judicial circuit," have had the same under consideration, and have directed me to report it back with one amendment, and if adopted, the passage of the bill is recommended.

Amend by striking out the first section and inserting the following:

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit courts of the 10th judicial circuit of said State shall hereafter be holden as follows, to-wit:

In the county of Morgan, on the first Mondays of March, and the third Mondays of August of each year, and to hold for two weeks.

In the county of Owen, on the Mondays succeeding the terms of the Morgan circuit court, for one week.

In the county of Brown, on the Mondays succeeding the terms of the Owen circuit court, for one week.

In the county of Monroe, on the Mondays succeeding the terms of the Brown circuit court, for one week.

In the county of Greene, on the Mondays succeeding the terms of the Monroe circuit court, for two weeks.

In the county of Daviess, on the Mondays succeeding the terms of the Greene circuit court, for two weeks.

In the county of Martin, on the Mondays succeeding the terms of the Daviess circuit court, to hold for one week.

In the county of Lawrence, on the Mondays succeeding the terms of the Martin circuit court, for two weeks or longer, if the business thereof require it, but not to exceed three weeks.

On motion by Mr. Berry of Monroe,
The bill and amendments were recommitted to the same select committee.

Leave being granted,
Mr. Murphey, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 322, relating to a county road, have had the same under consideration, and have directed me to report it back with a request that it be referred to the committee on roads.

Which report was concurred in, and the bill accordingly referred.

Mr. Jackson moved to suspend the orders of business and take up No. 177. (Senate.) A bill fixing a certain annual compensation to the auditor of Madison county;

Which motion prevailed.
Said bill was read a third time.

Mr. Murphey moved to amend the bill as follows:

Add the following:

Provided, That nothing contained in this act shall be so construed as to affect the perquisites now received by said auditor from individuals.

Which was adopted.

The question recurring upon the passage of the bill,

And the ayes and noes being demanded by Messrs. Orth and Jackson,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Chenoweth, Clements, Coats, Coffin, Conner, Day, English, Green, Hamrick, Handy, Hardin, Holloway, Howell, Jackson, Miller,

Milligan, Milliken, Morgan, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stewart, Verbrike, Waters, Winchell, and Zenor—35.

Those who voted in the negative are,

Messrs. Hamer, Murphey, and Orth—3.

So the bill was passed.

The Senate then proceeded to the consideration of the special order of the day,

Being a resolution of the House fixing the 25th instant as the day of final adjournment of the General Assembly.

Mr. Murphey moved that there be a call of the Senate;

Which was ordered.

Messrs. Cuppy and Taber were excused from attendance on account of sickness.

On motion by Mr. Milliken,

The further call was suspended.

Mr. Handy withdrew the amendment proposed by him, which was pending.

On motion by Mr. Milliken,

The resolution was then concurred in by the Senate.

Leave being granted,

Mr. Handy, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition of the citizens of Shelby county, in relation to the compensation of probate judge, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 225. A bill to authorize the judge of the probate court of Shelby county to take the acknowledgment of deeds and other instruments of writing, and to grant and try writs of *habeas corpus*;

Which was read a first time, and ordered to a second reading.

Leave being granted,

Mr. Orth introduced,

No. 226. A bill to legalize the publication of the delinquent list of Tippecanoe county, and authorizing the sale of delinquent lands on the first Monday in March next;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second and third times and passed.

Leave being granted,

Mr. Osborn introduced,

No. 227. A bill to legalize certain deeds;

Which was read a first time.

On motion by Mr. Osborn,

The rules were suspended, and the bill read a second and third times and passed.

Leave being granted,

Mr. Hamer, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 248, "An act to authorize the location of a State road from Salem, in Washington county, by Lawrenceport on White river, to Bedford, in Lawrence county," have had the same under consideration, and directed me to report the same back without amendment, and recommend its passage.

On motion by Mr. Hamer,

The rules were suspended, and the bill read a third time, and passed.

Leave being granted,

Mr. Robinson introduced,

No. 227. A bill to provide for the better observance of the Sabbath;

Which was read a first time, and ordered to a second reading.

Leave being granted,

Mr. Hardin, from the committee on benevolent institutions, made the following report:

MR. PRESIDENT:

The committee on the benevolent institutions of the State, to whom was referred bill of the House No. 208, "to establish an institute for the education of the blind of the State of Indiana," have had the same under consideration, and have directed me to report it the same back to the Senate, with one amendment, and, upon its adoption, to recommend its passage:

Strike out "five," in the sixth line of the eighth section, and insert "four."

Which amendment was not adopted.

On motion by Mr. Beard,

The rules were suspended, and the bill read a third time and passed.

Leave being granted,

Mr. Henry, chairman of the committee on benevolent institutions, made the following report:

MR. PRESIDENT:

The committee on the benevolent institutions of the State, to whom was referred bill of the House No. 284, entitled "An act to provide for the further erection of the Hospital for the Insane, and for other purposes connected therewith," have had the same under consideration, and directed me to report the same back to the Senate with three amendments, and upon the adoption of said amendments, to recommend its passage:

First amendment. Strike out after the enacting clause, in the first section, and insert the following:

That Livingston Dunlap, James Blake, and John S. Bobbs, be and they are hereby appointed commissioners of the Indiana Hospital for the Insane with all and singular the powers heretofore conferred upon said commissioners. The term of service of said commissioners shall be for three years from the day of the approval of this act by the Governor, unless previously suspended by act of the Legislature, and before entering upon their office, shall take an oath or affirmation, faithfully and impartially to discharge the duties devolving upon them, and to conform in all respects to the laws in force regarding said hospital; all vacancies occurring in said board to be filled by appointment of the Governor.

Second amendment. Insert at the end of the second section the words:

Said architect to hold his office at the will of said board; and said superintendent and said architect shall receive such reasonable compensation for their services as said board shall deem proper: *Provided*, The amount allowed and paid to said superintendent and architect, shall not, in the aggregate, exceed eight hundred dollars per annum.

Third amendment. Strike out the third section.

Mr. Montgomery moved to lay the first amendment upon the table;

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Edmonston, Ellis, English, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Robinson, Simpson, Verbriake, Waters, and Winchell—27.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Coats, Day, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Read, Stewart, Stockwell, and Zenor—18.

So the amendment was laid upon the table.

Mr. Handy moved to lay the bill and pending amendments upon the table; and,

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Handy, Hardin, Logan, Miller, and Milligan—6.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Day, Edmonston, Ellis, English, Goodenow, Green, Hamer, Hamrick, Henry, Holloway, Howell, Jackson, Marsh, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Verbriake, Waters, Winchell, and Zenor—41.

So said bill and amendments were not laid upon the table.

Mr. Coffin then moved the previous question;

Which was seconded by the Senate.

The main question was ordered to be put.

The main question being,

"Shall the bill pass?" and,

The ayes and noes being demanded by Messrs. Hardin and Barbour,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Davis, Day, Edmonston, Ellis, English, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, Verbriake, Waters, Winchell, and Zenor—27.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Green, Handy, Hardin, Henry, Howell, Jackson, Marsh, Miller, Milligan, Parks, Read, and Stockwell—14.

So the bill was passed.

On his request,

Mr. Stewart was excused from voting on the passage of said bill.

The President laid before the Senate the communication of the Auditor of State, correcting a mistake which occurred in his annual report in relation to the Wabash and Erie Canal scrip east of Tippecanoe, which had been redeemed and cancelled, the amount being \$90,000 less than stated in the report.

On motion,
The communication was laid upon the table.
Leave being granted,
Mr. Stewart, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 217, entitled an act fixing the time of holding the terms of the probate courts in the county of Marion, have had the same under consideration, and directed me to report the same back to the Senate and recommend its passage.

On motion by Mr. Stewart,
The rules were suspended, and the bill read a third time, and passed.

Leave being granted,
Mr. Milliken introduced,
No. 229. A bill to authorize George W. Lane, administrator of Arthur St. Clair, to purchase property at his own sale;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

Leave being granted,
Mr. Morgan, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of Wm. H. H. Glass and others, have had that subject under consideration, and instructed me to report the following bill and recommend its passage, and ask to be discharged.

No. 230. A bill declaring Big Blue river, in Rush county, a public highway;

Which was read a first time.

On motion by Mr. Morgan,
The rules were suspended, and the bill read a second and third times and passed.

Leave being granted,
Mr. Berry of Franklin introduced,
No. 231. A bill to authorize the school trustees of township 9, range 2 west, in Franklin county, to sell certain real estate;

Which was read a first time.

On motion by Mr. Berry of Franklin,
The rules were suspended, and the bill read a second and third times and passed.

Leave being granted,
Mr. English, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the Senate No. 142, have had that subject under consideration, and have directed me to report the bill back and ask that it lay upon the table, as there is a similar bill under consideration. They ask to be discharged.

Which report was concurred in, and the bill laid upon the table.
Leave being granted,
Mr. Clements, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of William B. Pine and thirty-one others, citizens of Martin county, praying that a portion of that county may be attached to the county of Dubois, have had the subject under consideration, and a majority of them have directed me to report the following:

The petitioners set forth, that they labor under much inconvenience, on account of the removal of the county seat of Martin, thereby making it necessary for them to travel further than heretofore to transact their business: your committee, however, deem this not of sufficient importance to be a good cause for clipping a county, already too small, unless requested or assented to by a majority of the citizens of that county; they therefore recommend further legislation inexpedient.

Which report was concurred in.

Leave being granted,
Mr. Conner, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition of sundry citizens of Hamilton county, have had the subject of said petition under consideration, and have directed me to report the following bill and recommend its passage.

No. 232. A bill to locate a certain State road therein named;

Which was read a first time.

On motion by Mr. Conner,
The rules were suspended, and the bill read a second and third times, and passed.

Leave being granted,

Mr. Henry, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 289, have had the same under consideration, and directed me to report the same back to the Senate and recommend its passage.

On motion by Mr. Henry,

The rules were suspended, and the bill read a third time and passed.

Leave being granted,

Mr. Conner, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred a communication from the auditor of Hamilton county, have had the subject of said communication under consideration, and have directed me to report the accompanying bill and recommend its passage.

No. 233. A bill authorizing the county commissioners of Hamilton county to make an additional allowance to the auditor of said county;

Which was read a first time.

On motion by Mr. Conner,

The rules were suspended, and the bill read a second and third times, and passed.

The Senate then proceeded to the consideration of the

ORDERS OF THE DAY.

Bills on third reading.

No. 311. (House.) A bill to amend an act entitled, "an act relative to overseers of the poor," approved January 15, 1844;

Read a third time and passed.

No. 305. (House.) A bill to locate a State road between the counties of Noble and Lagrange;

Read a third time and passed.

No. 274. (House.) A bill to amend the 144th section of the 30th chapter of the Revised Statutes of 1843;

Read a third time and passed.

No. 169. (Senate.) A bill to incorporate the Fort Wayne and Cambridge City Railroad Company;

Read a third time and passed.

No. 225. (House.) A bill to compel non-residents to pay a road tax equal to that of residents;

Read a third time and passed.

No. 109. (House.) A bill defining the duties of county treasurers;

Read a third time and passed.

No. 345. (House.) A joint resolution to authorize the making of estimates for the completion of the new State prison, and for other purposes;

Read a third time.

On the passage of the joint resolution,

The ayes and noes were demanded by Messrs. Berry of Franklin, and Handy; and,

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Bowers, Bradbury, Coats, Conner, Davis, English, Goodenow, Hamer, Hamrick, Henry, Holloway, Miller, Milliken, Morgan, Read, Robinson, Stockwell, Verbrike, Waters, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Berry of Franklin, Clements, Green, Handy, Hardin, Howell, Jackson, Logan, Marsh, Milligan, Parks, and Rockhill—12.

So the joint resolution was passed.

On motion,

The Senate adjourned.

THURSDAY MORNING, JANUARY 14, 1847.

The Senate assembled.

The journal of the preceding day was read.

Mr. Davis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred the petition of William Plasket, of Clark county, on the subject of quieting

certain land titles, have had the same under consideration, and are unanimously of the opinion that the prayer of the petitioner ought to be granted, but as the case of the petition is amply provided for by a bill now before the Senate, the committee ask to be discharged from the further consideration of the subject;

Which report was concurred in.

Mr. Davis, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of James Wilson and others, of Henry county, praying that notaries public may be permitted to solemnize marriages, have had the same under consideration, and have directed me to report that the committee are of opinion that it is inexpedient to legislate upon the subject, and that they therefore ask to be discharged from its further consideration;

Which report was concurred in.

Mr. Edmonston, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred a joint resolution of the Senate, No. 200, in relation to the Wabash and Erie canal, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage:

No. 200. A joint resolution (Senate) relative to the Wabash and Erie canal.

Mr. Osborn moved to amend said joint resolution as follows:

Strike out the word "obedience," and insert in lieu thereof the word "pursuance;"

Which amendment was adopted.

Mr. Osborn further moved to amend as follows:

Provided, That this joint resolution shall not be so construed as to allow scrip issued for lands west, to be receivable for lands east, of Tippecanoe river in any event to amalgamate the scrip issued for lands east and west of Tippecanoe; but said scrip shall be receivable for canal lands as now allowed by law, and not otherwise, any law which may be passed during the present session of the Legislature to the contrary notwithstanding;

Which amendment was adopted.

On motion by Mr. Ellis,

Said joint resolution was laid on the table.

Mr. Osborn, from the committee on the State Bank, made the following report:

MR. PRESIDENT:

The committee on the State Bank, to which was referred Senate bill No. 139, have considered the same, and instructed me to report the same back to the Senate, without amendment, and recommend its passage, and said committee ask to be discharged from the further consideration thereof:

No. 139. A bill for the relief of the borrowers of the Sinking Fund and other trust funds.

Mr. Berry of Franklin moved to strike out that part of the bill which requires mortgages on real estate;

Which was not adopted.

On motion by Mr. Allison,

Said bill was laid on the table.

Mr. Barbour, from the committee on the State Bank, made the following report:

MR. PRESIDENT:

The committee on the State Bank, to whom was referred the joint resolution of the Senate No. 202, in relation to suspending the act of the present session, entitled "An act to provide for the settlement of the debt due from the Wabash Manual Labor College and Teachers' Seminary, to the Sinking Fund of the State and for other purposes," and also the report of the Sinking Fund Commissioners on the subject of the debt, have had the same under consideration, and a majority of said committee have instructed me to make the following report:

The committee have had before them no evidence to satisfy them that it would be proper or right to suspend the operation of the act referred to, and they are strongly of opinion that the bonds offered by the College in discharge of the debt due by them to the Sinking Fund are better security for the ultimate payment of said debt than the bond and mortgage held by the fund. The committee are satisfied that not only in this instance, but in many others which have come to their knowledge, there is a great depreciation in the value of the real estate mortgaged to said fund. While they are satisfied that for educational purposes the college buildings and property have cost and are worth more than the debt due by the college; yet for the purpose of securing the debt they fully believe the bonds are more valuable than the mortgaged premises. Your committee view

the act in question as one of mere expediency alone, and one which the Legislature acted on with deliberation, and nothing has come to their knowledge to lead them to recommend a re-consideration of the question by the Senate. They are also satisfied that the Bank will suffer no loss or inconvenience from the taking effect of this act. It is true the Bank advanced a large amount of money to the State for internal improvement purposes for which the Legislature issued what is called "Bank scrip," and paid it over to the Bank in satisfaction of the debt due by the State to her for such advance, and pledged the Sinking Fund with other funds for the redemption of said scrip.

The treasury proper, and all other funds controlled by the State, were placed for the absorption of this scrip, except Wabash and Erie Canal land. The Bank, then, has not only the Sinking Fund but also all the other funds of the State and the treasury proper to look to for the redemption of the scrip. The committee, therefore, cannot see any possible objection the Bank can have to the taking effect of said act. Your committee are of the opinion, as before expressed, that the exchange of securities, as proposed by said act, will better secure the fund than it is now secured; and that so far from injuring any one, it will be a benefit to all interested in said fund. The debt to the Bank is being fast liquidated, and will soon be paid off. There can be no loss to the fund unless the State repudiates the bonds, and the committee are of opinion that there is much more danger of the College failing to pay from positive inability, than of repudiation on the part of the State.

The committee also find that the bonds, with the coupons, are drawing as much interest as the mortgage at this time, and in a short time will constantly increase beyond that amount, so that the Sinking Fund will be a gainer by the exchange proposed by this act.

The Legislature has, at different times, extended to borrowers of said fund time for payment—they have reduced the interest on said fund. Only last winter an act was passed for the benefit of John C. Parker, allowing him to change security. The legislation of the General Assembly, since 1842, particularly shows the control exercised by the Legislature over this fund.

They have authorized their officers to make reappraisements of property offered for sale, and to sell for a less amount than that owing to said fund. The committee, as before remarked, cannot conceive of a loss to the fund, unless the State repudiates; this they cannot believe the present or any subsequent Legislature will for a moment think of so doing.

After full and deliberate investigation, your committee would respectfully recommend the indefinite postponement of said joint resolution.

Mr. Edmonston moved to lay said joint resolution on the table; And the ayes and noes being demanded by two Senators:

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Day, Edmonston, Handy, Hardin Jackson, Logan, Milligan, Milliken, Morgan, Parks, Rockhill, Stewart, and Waters—14.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Berry of Monroe, Bowers, Bradbury, Clements, Coats, Coffin, Conner, Davis, Ellis, English, Goodenow, Henry, Holloway, Marsh, Murphey, Orth, Osborn, Read, Robinson, Simpson, Stockwell, Verbriek, Winchell, and Zenor—27.

So said joint resolution was not laid on the table.

Mr. Berry of Franklin moved a call of the Senate.

Which was ordered.

Mr. Green was excused from attendance on account of sickness.

On motion,

The further call of the Senate was dispensed with.

The question then being on concurring in said report,

And the ayes and noes being demanded by two Senators:

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Ellis, English, Goodenow, Hamer, Henry, Holloway, Howell, Marsh, Milliken, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Stockwell, Verbriek, Waters, Winchell, and Zenor—31.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Day, Edmonston, Hamrick, Handy, Hardin, Jackson, Logan, Milligan, Morgan, Parks, Read, Rockhill, and Stewart—14.

So said report was concurred in,

And said joint resolution was indefinitely postponed.

Mr. Bowers, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture to whom was referred bill of the House No. 264, entitled "A bill for the better protection of stock running at large," have, according to order, had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

No. 264. (House.)

Mr. Handy moved to lay the bill on the table,
And the ayes and noes being demanded by Messrs. Handy and
Montgomery:

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Clements, Conner, Davis, Day,
Edmonston, English, Goodenow, Hamrick, Handy, Hardin, Howell,
Jackson, Logan, Milligan, Milliken, Murphey, Orth, Osborn, Parks,
Stewart, Stockwell, and Winchell—24.

Those who voted in the negative are,

Messrs. Allison, Berry of Monroe, Bowers, Bradbury, Hamer, Hen-
ry, Holloway, Marsh, Morgan, Montgomery, Read, Robinson, Rock-
hill, Simpson, Verbrake, and Zenor—16.

So said bill was laid on the table.

Mr. Bowers, from the committee on agriculture, made the follow-
ing report:

MR. PRESIDENT:

The committee on agriculture to whom was referred a resolution
of the Senate instructing them to inquire "whether any amendments
are necessary to the law regulating weights and measures in this
State, and what they are," have had the same under consideration,
and have instructed me to report, that in the opinion of the commit-
tee further legislation upon that subject is unnecessary, and ask to be
discharged from the further consideration of the same.

Which report was concurred in.

Mr. Edmonston, from the committee on corporations, made the
following report:

MR. PRESIDENT:

The committee on corporations to whom was referred bill of the
House No. 178, entitled "An act to incorporate the Logansport and
Wabash Free Bridge Company," have had the same under consider-
ation, and have directed me to report the same back to the Senate
with one amendment, which, when adopted, they recommend its pas-
sage.

Amend the third section by adding after the words "sum of," in
the first line, the words "three thousand."

Which amendment was adopted by the Senate.

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a third time, and
passed.

Mr. Conner, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred a petition of sundry
citizens of Tipton county in relation to a State road therein named,
have had the same under consideration, and have directed me to
report the accompanying bill, and recommend its passage:

No. 234. A bill to locate a certain State road therein named;

Which was read a first time, and

On motion by Mr. Conner,

The rules were suspended and the bill read a second and third
times and passed.

Mr. Parks, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Wm.
Bowles and sundry other citizens of the counties of Morgan, Brown,
and Monroe, on the subject of making Morgantown a point on the
proposed Railroad from Martinsville, la., to Franklin, in Johnson
county, have, according to order, had that subject under considera-
tion, and have instructed me to report the following bill, and recom-
mend its passage:

No. 235. A bill to amend "An act to provide for the construction
of a Railroad from Martinsville, in Morgan county, to Franklin, in
Johnson county;

Which was read a first time and ordered to a second reading.

Mr. Barbour offered the following resolution:

WHEREAS, It appears by the report of the Agent of State that in
the suit heretofore instituted in the Marion circuit court by the State
of Indiana against Dr. Coe and his securities, two trials have been
had, the jury in both instances failing to find a verdict;

AND WHEREAS, the question of the expediency of the further
prosecution of said suit has been referred by said Agent to the Legis-
lature; therefore

Resolved, That the committee on the judiciary be instructed to
inquire into the expediency of incurring further expense in this
matter, with power to send for persons and papers, and report by
bill or otherwise;

Which was adopted.

The following resolution was offered by Mr. Davis:

WHEREAS, The Hon. Mr. Barbour, a member of this body, was

detained from his seat in the Senate for some days after the organization of the Legislature, owing to sickness in his family, and of his being absent as a volunteer in the service of his country in the Mexican war; therefore

Resolved, That the President of the Senate be requested, when he certifies the account of the Hon. Mr. Barbour for his services as a Senator, to certify the same in such a manner as to allow him pay from the first day of the present session;

Which was adopted.

The following message was received from the House of Representatives by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution:

Resolved, That this House will, the Senate concurring therein, proceed to the election of State Printer on Tuesday, the 12th inst., at half past 2 o'clock, P. M.;

In which the concurrence of the Senate is respectfully requested.

The following resolution was offered by Mr. Verbrake:

WHEREAS, The State has leased to companies along the line of the Central Canal a specific quantity of water for the purpose of propelling machinery of various kinds, said State binding herself at the same time in case she failed to comply with her part of the contract to furnish said water power, to take the improvements and pay the companies for said improvements; therefore

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of making an appropriation to repair the breaches in said canal caused by the late freshets, with leave to report by bill or otherwise;

Which was adopted.

Mr. Davis moved to take up the resolution of the House upon the subject of going into the election of State Printer.

The question being upon taking up the same,

And the ayes and noes being demanded by Messrs. Davis and Coffin,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Edmonston, Ellis, Goodenow, Hamer, Hamrick, Holloway, Howell, Logan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Stockwell, Verbrake, and Zenor—28.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, English, Handy, Hardin, Henry, Jackson, Marsh, Milligan, Parks, Read, Rockhill, Stewart, and Waters—17.

So said resolution was taken up.

Mr. Davis moved to reciprocate said resolution with an amendment fixing next Thursday for the election of State Printer.

Mr. Berry of Monroe moved to amend the amendment of Mr. Davis by fixing the time on Friday, the 22d instant, at half past 2 o'clock;

Which was accepted by Mr. Davis.

The ayes and noes being demanded by two Senators upon the question of concurring with said amendment of Mr. Davis as modified by Mr. Berry,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Edmonston, Ellis, English, Goodenow, Green, Hamer, Hamrick, Henry, Holloway, Howell, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Robinson, Simpson, Stockwell, Verbrake, Waters, and Zenor—35.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Day, Handy, Hardin, Jackson, Logan, Marsh, Miller, Read, Rockhill, and Stewart—12.

So said resolution was reciprocated with said amendment fixing upon Friday, the 22d inst., at half past 2 o'clock for said election of State Printer.

Mr. Berry of Franklin introduced

No. 236. A bill to incorporate the Evangelical Lutheran St. Paul's church, in Indianapolis;

Which was read a first time.

On motion by Mr. Stewart,

The rules were suspended and the bill read a second and third times and passed.

Mr. Henry introduced

No. 237. A bill to amend chapter 48, article 4, of the Revised Statutes of 1843 relative to writs of *scire facias*;

Which was read a first time, and

On motion by Mr. Henry,

The rules were suspended and the bill read a second and third times and passed.

Mr. Osborn introduced

No. 238. A bill to incorporate the Belmont Manufacturing Company;

Which was read a first time.

On motion by Mr. Osborn,

The rules were suspended and the bill read a second time, and

On motion by Mr. Logan,

Referred to the committee on corporations.

Mr. Holloway introduced

No. 239. A bill for the relief of Maria Hazzard;

Which was read a first time, and

On motion by Mr. Holloway,

The rules were suspended and the bill read a second and third times and passed.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 384. An act making provisions for the payment of the witnesses who attended before the judiciary committee of the House of Representatives, in relation to the charges preferred by William G. Ewing and others against the probate judge of Allen county;

In which the concurrence of the Senate is respectfully requested.

Mr. Berry of Monroe, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No. 60, in relation to fixing the time of holding courts in the 10th judicial circuit, have had the same under consideration, and direct me to report the same back to the Senate, with one amendment, and with that amendment, recommend its passage.

Amend by striking out the first section and inserting the following in its place:

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts of the 10th judicial circuit of said State shall hereafter be holden as follows, to-wit:

In the county of Morgan, on the first Mondays of March and the third Mondays of August of each year, and to hold for eight days.

In the county of Monroe, on the Thursdays succeeding the terms of the county of Morgan, and to hold for nine days.

In the county of Brown, on the Mondays succeeding the terms of the county of Monroe, and hold for one week.

In the county of Owen, on the Mondays succeeding the terms of the county of Brown, and hold for one week.

In the county of Greene, on the Mondays succeeding the terms of the county of Owen, and hold for two weeks.

In the county of Daviess, on the Mondays succeeding the terms of the county of Greene, and hold for two weeks.

In the county of Martin, on the Mondays succeeding the terms in the county of Daviess, and hold for one week.

In the county of Lawrence, on the Mondays succeeding the terms of the county of Martin, and hold for two weeks or longer, not exceeding three weeks, if the business thereof require.

Which amendment was adopted.

On motion by Mr. Parks,

The rules were suspended, and the bill read a third time, and passed.

Mr. Rockhill moved to suspend the rules and take up the message of the House of Representatives containing

No. 384. A bill making provisions for the payment of the witnesses who attended before the judiciary committee of the House of Representatives, in relation to the charges preferred by William G. Ewing and others, against the probate judge of Allen county;

Which motion prevailed, and said bill was taken up.

The bill was read a first time.

On motion by Mr. Rockhill,

The rules were suspended and the bill read a second time.

Mr. Milliken moved to refer the bill to the committee on claims.

Which motion did not prevail.

Mr. Rockhill moved to amend the bill by striking out \$125 where it occurs, and insert in lieu thereof \$250.

Which was adopted.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a third time, and passed.

Mr. Montgomery moved to take from the table No. 264;

Which motion prevailed.

On motion by Mr. Montgomery,

The bill was referred to a select committee consisting of Messrs. Montgomery, Bowers, and Milliken.

Mr. Miller moved to take from the table,

No. 170. A bill to attach additional territory to the county of Crawford, and for other purposes;

Which motion prevailed.

On motion by Mr. Miller,

Said bill was referred to the committee on the judiciary.

Mr. Zenor moved to take from the table the petition of sundry citizens of Harrison county upon the same subject.

Which was done; and,

On motion by Mr. Zenor,

It was referred to the same committee.

Mr. Miller moved to take from the table and refer a petition on the same subject to the same committee.

Which was done.

Mr. Osborn introduced,
No. 240. A bill to locate State roads in the counties of Porter and Lake;

Which was read a first time.

On motion by Mr. Osborn,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Clements introduced,

No. 241. A bill to authorize a trustee to order elections of trustees in the incorporation of the town of Washington;

Which was read a first time.

On motion by Mr. Clements,

The rules were suspended, and the bill read a second and third times and passed.

The President now decided that by the vote upon bill

No. 3. A bill providing for holding a convention to revise and amend the constitution of the State of Indiana;

Given heretofore, said bill has passed.

Mr. Orth appealed from said decision, and said appeal was laid over.

No. 63. (House.) A bill to regulate the chancery practice;

Which was read a third time.

And the question being upon the passage of said bill,

The ayes and noes were demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Bradbury, Davis, Day, Edmonston, Ellis, Henry, Holloway, Miller, Milligan, Morgan, Murphey, Osborn, Parks, Read, Robinson, Simpson, Stockwell, Verbriek, Waters, Winchell, and Zenor—22.

Those who voted in the negative are,

Messrs. Barbour, Beard, Berry of Franklin, Bowers, Clements, Coats, English, Goodenow, Green, Hamer, Hamrick, Handy, Hardin, Howell, Jackson, Logan, Marsh, Milliken, and Orth—19.

So said bill was passed.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The following message was received from His Excellency, the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed by His Excellency, the Governor, to transmit to the Senate bill No. 127, entitled "An act for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary to the Sinking Fund of the State, and for other purposes," with his reasons for withholding his approval of said act.

January 14th, 1847.

Gentlemen of the Senate:

I herewith return the bill No. 127, entitled "An act for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary to the Sinking Fund of the State, and for other purposes," with the reasons why I have felt constrained, from a high sense of public duty, to withhold my approval of the same.

The debt proposed to be settled by this bill, is for a loan of money made in 1839, from the Sinking Fund to the college, under a joint resolution of the General Assembly, passed February 18, 1839, at the instance and on the application of the college itself. As an inducement for granting the loan, it is set forth in the preamble that the college edifice (which, with the buildings and other property belonging to it, were stated to be worth at least \$35,000,) was destroyed by fire in the month of September previous, by which a loss of \$15,000 was sustained—that since that time more than \$7,000 had been subscribed by citizens to repair the loss, and that the institution needed for the present a temporary loan to pay off debts which embarrassed it. The joint resolution then proceeds, not to *direct* the Commissioners of the Sinking Fund, but, on the contrary, it only makes it *lawful* for them to grant a loan from that fund, not exceeding \$8,000, for a term not exceeding five years, to the college, charged with interest annually in advance—the loan to be made only whenever indisputable real security should be offered for the payment of said loan with interest thereon. The loan was subsequently made as already stated, and a mortgage was executed, to secure its repayment, on a tract of land near, or adjoining, the town of Crawfordsville, on which the college buildings and improvements stand, amounting, as appears by reference to the mortgage now in the Sinking Fund office, to between 54 and 55 acres. By the same instrument it also appears that the mortgaged property was appraised as

required by law by Thomas Glenn, one of the associate judges, James W. Lynn, clerk of the circuit court, and George Miller, recorder, all of the county of Montgomery, in which is situated the college, and who stated, under oath, on the 6th of May, 1839, as endorsed on the said mortgage, as from their "personal and distinct knowledge," that the said premises, exclusive of "all perishable improvements," were then "of the value of \$16,500 in specie at the common selling price of land at that time in that county."

The interest on the loan seems to have been paid by the trustees for three years, when, by a joint resolution of the General Assembly, passed February 2, 1843, it was provided that the interest from the 7th of May, 1842, to the 31st of December, 1846, should be suspended from payment until the date last aforesaid; but it is to be borne in mind, that this suspension was not to take place unless, in the language of the resolution, "the Sinking Fund Commissioners should deem the same safe." The matter was referred to their discretion, as the proper authority, without the coercion or direction of the Legislature. Believing, from *their* means of knowledge and information, that the suspension of payment of interest would not be attended with loss to the fund under their charge in consequence, as it may be inferred, of their conviction of the sufficiency of the security, they suffered it to remain unpaid until the 31st of this last month.

Further relief is now sought, at the present session, by the bill under consideration. The preamble to it sets forth that the trustees of the college have not been able to pay off the debt, or to prevent the interest from accumulating, so that their debt to the Sinking Fund now amounts to the sum of \$10,600—that they hold *Indiana State Bonds*, including principal and interest, to an amount equal to that sum, and are anxious to place said bonds as security to the Sinking Fund and take up their bond and mortgage—that they propose besides, to educate a young man for a common school teacher from each county in the State for five years free of charge for *tuition*, and that they are wholly unable to make any other or better payment or security for the debt to the Sinking Fund.

The bill provides that the trustees are authorized to place the State bonds with the proper officers of the Sinking Fund, equal in amount to the sum due, or if they fall short, the residue in cash, whereupon the officers, without any discretion in the matter, are, in the language of the bill, "*required and instructed* to surrender up to the said trustees the evidences of said debt, and enter satisfaction of the same." The bill further provides, that the bonds so taken shall remain in the Sinking Fund as a valid debt against the State for principal and interest due and to grow due thereon, that the same shall be paid out of the State Treasury at the time, and in the same manner, that the Sinking Fund may be distributed, as provided by the act creating that fund, and finally that the college shall receive and educate for

five years, free of tuition, one young man from each county in the State.

Various objections have been raised to the bill, involving questions of expediency, which, for the want of time, I pass by on the present occasion, and shall confine myself to the following:

It may be well in the first place to advert to the origin and nature of the Sinking Fund. The act to establish a State Bank, which was passed January 28, 1834, provided that the State should borrow \$1,300,000 for the purpose not only of paying the State portion of the Bank stock into each Branch, but also to enable the State to lend the residue to individual stockholders, on mortgage security, to enable them to pay into the proper branches a portion of the stock by *them* subscribed also.

This money was accordingly borrowed by the State, and for its repayment, after twenty and before thirty years, the faith of the State was, by the charter, irrevocably pledged. To prevent this large debt falling upon the State at maturity without adequate means of payment, (which was one of the objections strongly urged against establishing the Bank,) provision was made in the charter for creating the Sinking Fund, "consisting 1, of so much of said loan as might thereafter not be applied as Bank stock; 2, of the principal and interest thereafter paid by stockholders to the State on the loans made to enable the former to pay in their Bank stock; and 3, on the dividends or profits arising to the State on her stock in the Bank, &c. This Sinking Fund was placed under charge of a Board of Commissioners, consisting of the four State Directors and the President of the State Bank; was to be loaned out on mortgage security, and the principal and interest of the fund was by the charter expressly reserved and set apart for the purpose of liquidating and paying off the loan" made by the State for the Bank stock above referred to, and "the interest thereon," and that it should "not be expended *for any other purpose* until the same and the incidental expenses should be fully paid;" and that after such payment "the residue of said fund should constitute a permanent fund, and be appropriated to the cause of *common school education*, in such manner as the General Assembly should thereafter direct."

From the first creation of this fund, and until a few years past, loans have been made from it to individuals, and, as already stated, to the Wabash College, and a strong confidence was entertained that the accumulations arising from the accruing interest would, after paying off the whole of the loan for the Bank capital, afford a handsome sum for the support of common schools.

It would be superfluous, it is hoped, to enlarge upon the sacred character of a fund so greatly needed in Indiana, and designed to diffuse and dispense the blessings of an elementary education—a knowledge, at least, of reading and writing—which, under our free institutions, has become almost a necessary of life, and without which colleges themselves could scarcely exist. Was not the money for the Bank

capital loaned on the faith that the Sinking Fund should be preserved for the liquidation of the loan? Does not the bill under consideration directly impair this fund? Does it not, in effect, violate the faith of the State, "irrevocably pledged" in the Bank charter itself, that the fund should not be expended, diverted, or appropriated to "any other purpose whatever?" Is it competent for the Legislature to *direct* the authorities having charge of this fund to change the character of the security pledged for the repayment of the college loan? Would it not set a precedent, and establish a principle of action which, if followed up, would greatly impair, if not entirely destroy, the fund, leaving, at the expiration of the Bank charter, one million three hundred thousand dollars, (1,300,000,) besides interest, as another debt upon the State, in addition to the heavy burden already pressing upon her? These questions, it seems to me, can only admit of an affirmative answer.

But there is another view of the question. By a joint resolution of the General Assembly, passed January 31st, 1842, State scrip, or Treasury notes, in amount largely over \$600,000, and bearing five per cent. interest, were authorized to be deposited or paid over by the State to different branches of the State Bank, to meet the indebtedness of the State to those branches, for moneys advanced by the latter, for works of internal improvement. As this scrip was nothing but promises of the State to pay, and resting solely on the future ability of the State to redeem the same out of the Treasury, by the same joint resolution, "the mortgages given to secure loans" of the Sinking Fund, (including, of course, the mortgage given by the trustees of the college for the loan above referred to,) were thereby "irrevocably pledged" and set apart for the final redemption of the Treasury notes," or scrip, issued to the branches aforesaid. It was also provided that the collection of the mortgages in the hands of the authorities of the Sinking Fund, might be paid in those Treasury notes, but that any other funds paid in on such mortgages should from time to time, as the same might be received, be applied to the taking up these Treasury notes. The amount of this scrip already redeemed under this pledge with interest up to December 1st, 1846, was \$336,423 49, and the amount with interest then remaining due, was \$409,699 08.

This is not the proper place to discuss the policy of the pledge last referred to. It is sufficient to say that *it was made*, and our province is at this time restricted to an examination of the effect of that pledge, as made. The bill under consideration, requires and instructs the authorities having charge of the Sinking Fund, to surrender the college mortgage, without their consent, or the consent of the bank or its branches, to whom it had already been pledged, as, above stated. As a justification of this course, it may be contended that the State's bonds to be surrendered by the college, are more valuable than the property mortgaged, as stated in the preamble. This *may* be true, though it has been strongly controverted.

But that is not the question. It is this: which party has the right—the *legal* right—to judge of that comparative value? Is it the State, who has pledged, or in effect, mortgaged the Sinking Fund, or the other party, the bank or its branches, to whom it has been so mortgaged? Has an individual mortgagor a right to interfere with or dispose of any part of the mortgaged property, before the debt is paid, without the consent of the mortgagee, let the disproportion between the value of the mortgage and the debt to be secured be ever so great. Is not a pledge or a mortgage a *contract*, and does not the constitution expressly provide that "no *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made"? It is no answer to this objection, to say that if the present bill is unconstitutional, no harm can result from it, because it would have no operation in a court of justice. Such a position would excuse the Legislature in passing *any* law, however unauthorized, and would so far as that body is concerned nullify the constitution itself. Should this bill become a law, and should it afterwards be pronounced unconstitutional, the result would be that the Executive would have officially approved a law which conflicts with the very constitution which he has sworn to support.

It has been suggested that it was not competent, or that it was unconstitutional, for the Legislature to pass the law which pledged the Sinking Fund for the payment of the scrip to the different branches. But this view does not remove the difficulty. If the Legislature could not at *that* time interfere with the Sinking Fund as such, (which had been created under the bank charter to secure the State against an ultimate heavy debt, and provide a surplus for the noblest purposes, and had hedged it about by the State's "*irrevocable* pledge,") as little is it at *this* time competent for the Legislature to interfere with it by the present bill. It has been said too that the State is equally bound to pay off her bonds, which are held by the college, and which it is desired should be surrendered in lieu of the mortgage. But, without adverting to the fact that the principal of those bonds is not due until years after the State is required by this bill to pay it, it is sufficient to say that the payment of those bonds rests upon the Treasury *hereafter*, like the residue of the bonds of that class, and not upon a specific fund, set apart and solemnly protected for special objects. It may be urged also that the provision in the bill requiring the college to educate a certain number of young men as common school teachers, is not a perversion of the residue of the Sinking Fund, which is to be devoted to common school education. It is readily conceded that any increase of knowledge, however confined as to numbers, must be, however remotely, more or less favorable to the great cause even of elementary education. But, without placing any stress upon the obvious fact, that the young men thus to be educated cannot be afterwards *compelled* to teach common schools, it will scarcely be contended that the appropriation of moneys set apart for "common schools" to the education of "*teach-*

FRIDAY MORNING, JANUARY 15, 1847.

The Senate assembled.

The journal of the preceding day was read.

Mr. Holloway presented the petition of sundry citizens of this State praying that the laws relating to common schools be so amended as to entitle people of color to an equal share with the whites of the school funds, where a majority of the citizens of a school district are willing to such distribution.

Which,

On motion by Mr. Holloway,

Was referred to the committee on education.

Mr. Waters presented the petition of sundry citizens of Carroll county for an act authorizing a change in the location of the Wabash and Erie canal at Delphi.

Which,

On motion by Mr. Waters,

Was referred to a select committee, and Messrs. Waters, Osborn, and Coffin were appointed that committee.

Mr. Davis presented the petition of John Thompson and others in relation to amending the charter of the city of New Albany.

Which,

On motion by Mr. Davis,

Was referred to the select committee heretofore appointed upon the same subject.

Mr. Murphey presented the petition of sundry citizens of Fall Creek township, Madison county, upon the demoralizing effects of retailing ardent spirits, and praying the passage of a law requiring applicants for license to vend spirituous liquors to have the signatures of a majority of all the legal voters in the town or township.

Which,

On motion by Mr. Murphey,

Was referred to a select committee composed of Messrs. Murphey, Holloway, and Bowers.

Mr. Jackson presented the petition of Palmer Patrick and others, of the town of Pendleton, in Madison county, praying a law giving the board of trustees of said town certain powers.

Which,

On motion by Mr. Jackson,

Was referred to the committee on corporations.

Mr. Jackson presented the petition of sundry citizens of Madison county on the subject of licensing retailers of spirituous liquors.

Which,

On motion by Mr. Jackson,

Was referred to the committee heretofore appointed on the same subject.

Mr. Parks, from the committee on federal relations, made the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred joint resolution of the House No. 299, in relation to settlers upon the great Miami Reserve, have, according to order, had the same under consideration, and have instructed me to report it back to the Senate and recommend that further legislation on that subject at this session is inexpedient, and ask to be discharged from the further consideration thereof.

No. 299;

On motion by Mr. Read,

Said joint resolution was laid on the table.

Mr. Parks, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred the subject of additional compensation for extra duties performed by the Adjutant General, Secretary of State, and Quartermaster General, since the call on Indiana for troops to aid in the Mexican war, beg leave to report that they have, according to order, had the same under consideration and find the following facts to exist, to-wit:

That on the 21st of May last, when the requisition was received, the duties of the Adjutant General became so heavy, that for near two months he had to labor not only all day, but on an average till 12 o'clock at night, and thus since, his time has been chiefly employed in the duties of his office. In 1845 he received and answered 65 communications, and ordered and procured from the office of the Secretary of State, got signed by the Governor, recorded and transmitted to officers elect, 125 commissions, while up to the sitting of the Legislature in 1846, he received and answered 724 communications, and ordered and procured from the Secretary of State, got signed by the Governor, recorded and transmitted to officers elect 1320 commissions, besides the letters and communications since the meeting of the Legislature; he got printed and mailed mostly all of the 500 copies of the proclamation and memorandum and the twelve hundred copies of general orders, Nos. 1, 2, 3, 4, and 5.

That he repaired to New Albany to assist in organizing the Indiana brigade, and while there, received election returns, and filled up commissions for the 53 officers there elected, said commissions having been previously signed and sealed by the Secretary of State;

that on the departure of the volunteers to the seat of war, he returned home when he found near 100 letters from State militia to which he had to reply. His time has been taken up in the discharge of the duties of his office—since the 21st of May up to this time he honorably discharged the duties in person without employing a clerk or putting the State to one cent of expense by employing assistants.

We find by reference to the official Army Register for 1844 that the Adjutant General of the United States was allowed for that year the aggregate sum of \$3,921 30, and that he was allowed six assistants with the aggregate allowance each of from \$1,212 51 to \$2,641 41. We think at least the Adjutant General of the Indiana Militia should be allowed the amount set forth in the bill hereby presented by your committee. The salary allowed by law is one hundred dollars without any perquisites whatever, and his office rent, lights, and fuel, cost \$59 25, and his expense to New Albany was \$29 50, making in all \$88 75 paid out of the \$100 allowed by law.

We find in reference to the Secretary of State, that in 1846 he filled up, signed, sealed, and recorded before the meeting of the legislature, 1195 commissions more than he did in 1845, and twenty-six since, which were ordered by the Adjutant General, except that the Adjutant General filled up the fifty-three issued at New Albany. He also signed and sealed twenty-four commissions sent to General Lane in Mexico. That these services have been quite laborious, in the discharge of which he had to employ one additional clerk for a portion of the time, we think he should be allowed additional compensation for said extra services.

We find in reference to the Quartermaster General, that the same causes which increased the duties of the Adjutant General and Secretary of State, have led to an increase of the Quartermaster General—he is allowed one hundred dollars by law. Your committee believe he should have some additional compensation.

In view of the foregoing facts, your committee have instructed me to report the following bill and recommend its passage.

No. 242. (Senate.) A bill making additional allowance to the Adjutant General of the Indiana militia, Secretary of State, and Quartermaster General;

Which was read a first time.

On motion by Mr. Parks,

The rules were suspended and the bill read a second time; when,

On motion by Mr. Ellis,

The bill was referred to the committee on claims.

Mr. Rockhill presented the petitions of sundry persons for a charter for a turnpike road from Fort Wayne to Goshen; which,

On motion by Mr. Rockhill,

Was referred to a select committee composed of Messrs. Rockhill, Marsh, and Milliken.

Mr. Rockhill presented the petition of Anna Ferrand for damages done by the St. Joseph feeder dam; which,

On motion by Mr. Rockhill,

Was referred to a select committee composed of Messrs. Rockhill, Bradbury, and Jackson.

Mr. Osborn, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education to which was referred the petition of sundry citizens of Harrison county relative to congressional township No. five south, of range five east, have had the same under consideration, and directed me to report the following bill for the consideration of the Senate, and said committee ask to be discharged from the further consideration thereof.

No. 243. A bill to authorize the trustees of township No. five south, of range five east, in Harrison county, to subdivide the township;

Which was read a first time; and,

On motion by Mr. Zenor,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Hardin, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education to whom was referred bill of the House No. 313, "an act amendatory of, and supplementary to, the fifteenth chapter of the Revised Statutes of 1843, in relation to common schools, have had the same under consideration, and have directed me to report the same to the Senate and recommend that it be laid on the table, inasmuch as a similar bill, but more ample in its provisions, has passed the Senate; and ask to be discharged from the further consideration thereof.

Which report was concurred in, and said bill laid upon the table.

Mr. Murphey, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education to whom was referred bill of the House No. 250, entitled a bill in regard to the former surplus revenue agent in Perry county, John Elder, and his securities, have had

the same under consideration, and have directed me to report it back to the Senate and recommend its passage.

Mr. Murphey moved to amend the first section of the bill by striking out the word "county," and inserting "circuit."

Which amendment was adopted.

Mr. Howell moved to suspend the rules and read the bill a third time; and the bill was so read a third time and passed.

Mr. Berry of Monroe, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads to whom was referred bill of the House No. 142, have had the same under consideration, and direct me to report said bill back to the Senate with one amendment, and when adopted, recommend its passage.

Amend by striking out all of the third section of the bill after the word assessed, in the seventh line.

Which amendment was adopted; and,

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a second and third times and passed.

The following message was received from his Excellency, the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate, that he did, on yesterday, approve and sign the following bills, to-wit:

No. 64. An act for the relief of David Burr;

No. 121. An act in amendment of an act entitled, "an act to abolish the office of county auditor in the county of Warrick," approved January 13, 1844;

No. 111. An act extending the time for holding the several terms of the probate courts of Vanderburgh county;

No. 82. An act to prevent county treasurers and other officers from purchasing certain real estate;

No. 76. An act to change the mode of doing county business in the county of Decatur;

No. 59. An act to vacate a part of a certain State road in the county of Ripley;

No. 104. An act to vacate a certain alley in the town of Putnamville;

No. 85. An act to amend an act entitled, "an act to incorporate the town of Jeffersonville," approved January 28, 1839, and the amendments thereto;

No. 88. An act to repeal a certain act therein named;

No. 95. An act to legalize the election of trustees for the corporation of Greensboro', Henry county;

No. 99. An act in relation to retailing intoxicating liquors in Wayne county;

No. 45. An act to authorize clerks of the circuit courts to issue writs to other counties in certain cases;

No. 98. An act to authorize Malon Wandron and Caleb Boots to maintain and keep up a mill dam in Grant county;

No. 58. An act to repeal an act entitled, "an act providing for removing obstructions in Buck Creek, in Henry county," approved January —;

No. 51. An act for the relief of purchasers of seminary lands in Monroe and Gibson counties;

No. 53. An act to authorize Nelson Conner of the county of Grant, and State of Indiana, to maintain and keep up a mill dam across the Mississinewa river;

No. 4. An act to amend an act entitled, "an act to enable the township of Lawrenceburgh, in Dearborn county, to turnpike all the roads within the same," approved January 20, 1846;

No. 49. An act relative to allowances to guardians;

No. 29. An act for the benefit of the volunteers for the Mexican war, and for the relief of county treasurers;

No. 33. An act authorizing the Governor of this State to order a special election for Representative in Congress in certain cases;

No. 8. An act to amend an act entitled "An act to incorporate the city of Richmond, Wayne county, Indiana," approved February 20, 1840;

No. 66. An act to facilitate the building of school houses in the county of Dearborn;

No. 25. An act to change the name of Frances Ann Fisher;

No. 20. An act amending an act entitled "An act providing compensation to supervisors of roads and highways," approved January 10, 1845;

Also, the following joint resolution, to-wit:

No. 50. A joint resolution in relation to furnishing a copy of the lands selected by the State for the completion of the Wabash and Erie canal;

All of which originated in the Senate.

January 15th, 1847.

Mr. Zenor, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads have, according to order, had under their consideration an act more fully to explain the 54th section, chapter

16, of the Revised Code of 1843, and have instructed me to report it back to the Senate and recommend its passage.

No. 298. (House.)

On motion by Mr. Osborn,

Said bill was referred to the judiciary committee.

Mr. Bradbury, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred bill of the House No. 337, entitled "A bill to authorize settlers on the public land to petition for county roads, have had the same under consideration and instructed me to report it back to the Senate and recommend its passage.

No. 337. (House.)

Which was read a second time.

On motion,

The rules were suspended, and the bill read a third time and passed.

Mr. Morgan, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred bill of the House No. 214, entitled "An act to amend section 128, chapter 16, Revised Statutes of 1843," have had the same under consideration and instructed me to report it back without amendment, and recommend its passage.

Which was read a second time; and,

On motion by Mr. Morgan,

The rules were suspended, and the bill read a third time and passed.

Mr. Logan, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the Senate No. 123, entitled "An act for the relief of Lucius H. Scott," have, according to order, had the same under their consideration and a majority of said committee have directed me to report the same back to the Senate, and recommend the indefinite postponement of the said bill.

Which report was concurred in, and said bill indefinitely postponed.

Mr. Logan, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the Senate No. 188, entitled "A bill for the relief of Daniel Dayhuff," have, according to order, considered said bill, and instructed me to report the same back to the Senate, with the following amendments, and, on the adoption of the same, recommend its passage.

Amend the first section of the bill by striking out the words "in the treasury," and inserting "belonging to the saline fund."

Further amend said section by striking out the three last lines.

Which amendments were adopted.

The bill was read a second time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a third time and passed.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report that, on the 15th day of January, 1847, they presented to His Excellency the Governor, for his approbation and signature, bill of the Senate No. 57.

Mr. Logan, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the House No. 323, entitled "An act for the relief of Abram Hendricks & Son," have, according to order, had the same under their consideration, and a majority of said committee have directed me to report the same back to the Senate and recommend its passage.

Mr. Berry of Franklin moved to amend as follows:

After the word "dollars," add, "in kind that shall be hereafter paid the State by J. & V. King, George W. Leonard, John Woodburn, and William Hendricks, in payment of their notes given to the agent of State."

Mr. Milliken moved to amend the amendment as follows:

Amend the amendment of Mr. Berry of Franklin by adding that

the Senator from Franklin be required to find the change between the \$1000 bond and the claim of \$500.

Which was accepted by Mr. Berry.

Mr. Milliken moved to lay the pending amendments on the table.

Mr. Hardin moved to include the bill in said motion to lay on the table.

A division of the question was called for.

The question being on laying the bill on the table,

The ayes and noes were demanded by Messrs. Hardin and Murphey:

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Bradbury, Day, Edmonston, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Miller, Milligan, Morgan, Murphey, Parks, Read, Rockhill, Stewart, and Verbriek—21.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Chenowith, Clements, Coats, Coffin, Conner, Davis, Ellis, English, Goodenow, Hamer, Holloway, Marsh, Milliken, Montgomery, Orth, Osborn, Robinson, Simpson, Stockwell, Waters, Winchell, and Zenor—25.

So said bill was not laid upon the table.

Mr. Davis moved the previous question;

Which was seconded.

The question being whether the main question be now put,

It was decided in the affirmative.

The main question being on the engrossment of said bill, No. 323, for a third reading,

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Chenowith, Clements, Coats, Coffin, Conner, Davis, Ellis, English, Goodenow, Holloway, Marsh, Milliken, Montgomery, Orth, Osborn, Robinson, Simpson, Stockwell, Waters, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Bradbury, Day, Edmonston, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Miller, Milligan, Morgan, Murphey, Parks, Read, Rockhill, Stewart, and Verbriek—22.

So said bill was ordered to be engrossed for a third reading.

The following message was received from the House of Representatives by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bill of the Senate:

No. 57. An act to create the thirteenth judicial circuit, and to change the time of holding courts in the third judicial circuit.

Which I am directed to bring to the Senate for the signature of the President thereof.

On motion,
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Leave being granted,

Mr. Hamer introduced

No. 243. A bill to amend an act, approved 19th January, 1846;

Which was read a first time; and,

On motion by Mr. Hamer,

The rules were suspended, and the bill read a second and third times, and passed.

Leave being granted,

Mr. Berry of Monroe offered the following resolution:

Resolved, That the judiciary committee be requested to inquire into the justice and propriety of providing by law for the refunding of money, where the same has been paid into the Sinking Fund office, in the way of compound interest, with leave to report by bill or otherwise.

Which was adopted.

Mr. Winchell offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of extending the time of clerks of the circuit court to make out transcripts on appeals from the circuit to the supreme court.

Which was adopted.

Mr. Osborn made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 157, have considered the same, and instructed me to report it back to the Senate with the following amendments, and when so amended, said committee recommend its passage, and ask to be discharged from the further consideration thereof.

Senate bill No. 157, amend as follows:

Add the following section:

1st. SEC. 4. Section 105, chapter 16, Revised Statutes of 1843, is hereby so amended that the list of names specified in said section shall be made out for the several supervisors within one week after the tax shall be so assessed.

2d. Amend the second section by striking out "March" and inserting "June."

Which amendments were adopted.

Said bill was read a second time, and ordered to a third reading.

Mr. Coats introduced

No. 244. A bill for the relief of debtors;

Which was read a first time.

On motion by Mr. Coats,

The rules were suspended, and the bill read a second time, and referred to the judiciary committee.

Mr. Osborn moved, and obtained leave, to withdraw the papers in relation to the claim of Joseph P. Smith.

Mr. Clements, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of John Brayfield and others, praying for a relocation of a portion of the New Albany and Vincennes road, between Paoli and Mount Pleasant, have had the same under consideration, and have instructed me to report, that the committee have duly considered the premises set forth in the said petition, and also the nature of the country through which said portion of the road passes, together with the financial condition of the road, and upon due deliberation of all the facts and circumstances connected with the same, they unanimously agree that any legislation on that subject, at this time, is inexpedient, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Montgomery, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House No.

264, entitled "A bill for the better protection of stock running at large," have had the same under consideration, and have made the following amendments thereto, upon the adoption of which they recommend its passage, and ask to be discharged from the further consideration thereof.

First amendment: Strike out the words "turkeys and fowls," wherever they occur in the fifth line, and insert in lieu thereof "other stock."

Second amendment: Strike out of the last line but one, the words "twenty-five," and insert in lieu thereof "fifty."

Said amendments were adopted.

Mr. Handy moved to amend so as to exempt the citizens of Shelby county from its provisions.

Which was adopted.

Mr. English moved to except from the operations of the bill the counties of Scott and Jackson.

On motion by Mr. Berry of Monroe,

The bill was indefinitely was postponed.

Mr. Barbour, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred bill of the House No. 241, "An act to amend an act entitled 'an act to incorporate the town of Columbus,'" &c., have instructed me to recommend the following amendments thereto, and the passage of the bill.

Amend section twenty-five, by striking out the words "and freeholder."

Amend section twenty, by striking out the words, "and shall have paid all poll taxes that may have been assessed against him."

Said amendments were adopted.

Said bill was read a second time, and ordered to a third reading.

Mr. Berry of Franklin made the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred Senate bill No. 238, entitled "A bill to incorporate the Belmont Manufacturing Company," have had that subject under consideration, and directed me to report it back to the Senate, with one amendment, which, when concurred in, they recommend its passage:

Amend by adding,

SEC. —. The stockholders shall be liable individually for all debts not paid in their corporate capacity, to the extent of, and in proportion to the amount of stock held by each, when said corporation shall become insolvent.

Mr. Davis, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the House No. 90, have had the same under consideration, and directed me to report the same back with one amendment, and when so amended, recommend its passage; and said committee ask to be discharged from the further consideration thereof.

Strike out the first section from the enacting clause, and insert the following:

"That hereafter all subpoenas shall be served by reading the same in the hearing of the defendant; and that section eleven, chapter forty-six, of the Revised Statutes of 1843, be and the same is hereby repealed.

Which amendment was adopted;

And the bill was read a second time, and ordered to a third reading.

Mr. Berry of Franklin introduced,

No. 245. A bill to amend the law regulating the vending of clocks;

Which was read a first time.

On motion by Mr. Berry of Franklin,

The rules were suspended, and the bill read a second time, and referred to the committee on finance.

Mr. Winchell moved to take from the table,

No. 243.

Which was ordered.

Mr. Waters, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of Enoch Bro and others, of Carroll county, asking leave to change the location of the Wabash and Erie canal, at Delphi, have had the same under consideration, and direct me to report the following bill, and recommend its passage, and ask to be discharged from the further consideration thereof.

No. 246. A bill authorizing the citizens of Carroll county to construct a side-cut canal at the town of Delphi;

Which was read a first time.

On motion by Mr. Waters,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Orth introduced,

No. —. A bill to amend an act entitled "An act to prohibit the making, issuing, or circulating small notes or bills," approved January 21st, 1846;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended, and the bill read a second time, and referred to the committee on the State Bank.

On motion,

Mr. Clements obtained leave to withdraw certain papers presented by him.

Mr. Hamer introduced,

No. 247. A joint resolution on the subject of reviving the law in regard to calling a convention to revise or amend the constitution of this State;

Which was read a first time.

On motion by Mr. Read,

The rules were suspended, and the joint resolution read a second time, and referred to a select committee composed of Messrs. Hamer, Read, and Beard.

Mr. Stewart, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of making it the duty of the prosecuting attorneys to prosecute the pleas of the State in all State cases in justices courts, have, according to order, had that subject under consideration, and directed me to report that they deem it inexpedient; and ask to be discharged from the further consideration of said resolution.

Which report was concurred in.

ORDERS OF THE DAY.

No. 95. A bill (of the House) to incorporate the Delphi Manufacturing Company;

Which was read a third time and passed.

No. 171. A bill (of the Senate) in relation to travelling merchants or pedlars in the several counties therein named;

Which was read a third time.

Mr. Milliken moved to recommit the bill to a select committee;

Which motion did not prevail.

Mr. Edmonston moved to recommit to a select committee, with instructions to amend as follows:

Strike out "the board of county commissioners," and insert "the board doing county business may at their discretion;"

Which was unanimously adopted.

Mr. Handy moved to except Shelby county from the provisions of the bill;

Which was unanimously adopted.

Mr. English moved to except Scott and Jackson;

Mr. Berry of Monroe moved to lay the bill and pending amendments on the table.

Which motion prevailed.

No. 181. (House.) A bill for the protection of the property of married women;

Which was read a third time.

And the question being upon the passage of the bill,

And the ayes and noes demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Day, Edmonston, Ellis, English, Goodenow, Hamer, Henry, Holloway, Howell, Marsh, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Verbribe, Waters, and Winchell—38.

Those who voted in the negative are,

Messrs. Barbour, Berry of Monroe, Hamrick, Handy, Hardin, Jackson, Logan, Miller, and Zenor—9.

So said bill was passed.

Mr. Milliken offered the following resolution:

Resolved, That the judiciary committee be instructed to introduce a bill to subject pedlars in Dearborn county to pay a license similar to bill No. 95, laid upon the table on to-day;

Which was adopted.

Mr. Osborn moved to instruct said committee to insert the county of Laporte:

Mr. Holloway, to insert the county of Wayne;

Mr. Winchell, to insert the counties of Grant and Delaware;

Which were adopted.

Mr. Conner offered the following resolution:

Resolved, That the Senate will, the House concurring therein, proceed to the election of State Printer on Saturday, the 16th of January, at 10 o'clock, A. M.

Mr. Edmonston moved to lay said resolution on the table:

And the ayes and noes being demanded thereon,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Chenowith,

Clements, Coats, Coffin, Day, Edmonston, English, Handy, Hardin, Henry, Howell, Marsh, Milligan, Milliken, Montgomery, Parks, Read, Rockhill, Stockwell, and Waters—23.

Those who voted in the negative are,

Messrs. Barbour, Beard, Bowers, Bradbury, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Logan, Miller, Morgan, Murphey, Orth, Osborn, Robinson, Simpson, Stewart, Verbribe, Winchell, and Zenor—23.

The President gave the casting vote in the affirmative.

So said resolution was laid upon the table.

Mr. Stewart moved to take said resolution from the table.

And upon this question,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Bowers, Bradbury, Conner, Davis, Ellis, Goodenow, Hamer, Holloway, Logan, Marsh, Morgan, Murphey, Orth, Osborn, Robinson, Simpson, Stewart, Verbribe, Winchell, and Zenor—22.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Day, Edmonston, English, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Milligan, Milliken, Montgomery, Parks, Read, Rockhill, Stockwell, and Waters—24.

So said motion to take said resolution from the table did not prevail.

No. 209. (Senate.) A bill to amend and explain an act entitled, "an act for the relief of the heirs of the late Captain Richard McCarty," approved January 15, 1846, and to quiet the titles to occupants of lands therein named;

Which was read a third time and passed.

Mr. Murphey, chairman of the committee on enrolled bills, made the following reports:

MR. PRESIDENT:

The committee on enrolled bills have compared engrossed bill of the Senate No. 57, with the enrolled, and find it correctly enrolled.

On motion,

The Senate adjourned.

SATURDAY MORNING, JANUARY 16, 1847.

The Senate assembled.

The journal of the preceding day was read.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof: No. 423. An act to change the time of holding the probate court in the county of Ripley;

In which the concurrence of the Senate is respectfully requested.

Mr. Bowers moved to take up said bill;

Which was agreed to.

And it was read a first time; and,

On motion by Mr. Bowers,

The rules were suspended, and the bill read a second and third times and passed.

The President suggested that the veto message of the Governor, returning the bill, No. 127, for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary to the Sinking Fund, was still undisposed of.

On motion by Mr. Read,

Said message was taken up.

Mr. Beard offered the following resolution:

WHEREAS, By the 22d section of the 4th article of the constitution of this State, it is provided amongst other things, that "if any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it."

AND WHEREAS, The act entitled, "an act for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary to the Sinking Fund of the State, and for other purposes," was presented to the Governor for his approval and signature on Friday, the 8th instant:

AND WHEREAS, The Governor kept the said bill until Thursday the 14th instant, without signing it, when he returned the same to the Senate (where it originated) with his objections, which was not within five days (Sundays excepted) after it was so presented to him for his approval as aforesaid, whereby the said act became, and was and is a law in like manner, as if he had signed it: Therefore,

Be it resolved, That this Senate will not enter said objections upon the journals thereof, nor proceed to reconsider said bill.

Be it further resolved, That the Secretary of the Senate be requested to respectfully return said objections to the Governor.

Mr. Read moved to amend so that said resolution read, "half after five o'clock, P. M.," after the words "the Senate had adjourned."

Mr. Berry of Franklin moved to add after the word "instant," the words "between two and three o'clock, P. M."

Which was adopted.

The question being upon the adoption of the resolution, as amended,

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Henry, Holloway, Marsh, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Stockwell, Waters, Winchell, and Zenor—29.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Day, Edmonston, English, Hamrick, Handy, Hardin, Howell, Jackson, Logan, Miller, Milligan, Parks, Read, Rockhill, and Stewart—17.

So said resolution was adopted.

Mr. Bradbury offered the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, proceed to the election of State Printer at half past two o'clock, on this day, January 16th, 1847.

Which was not adopted.

Mr. Milliken presented the petition of citizens of Dearborn and Ripley counties, praying a law incorporating a turnpike company to construct a McAdamized road from Aurora, in Dearborn county, to Hart's mill, in Ripley county; which,

On motion by Mr. Milliken,

Was referred to a select committee composed of Messrs. Milliken, Berry of Franklin, and Robinson.

Mr. Orth presented the petition of sundry citizens of Carroll, Clinton, and Tippecanoe counties, praying such a change in the laws relative to gaming as will permit innocent and profitable amusement in shooting for deer, turkeys, bears, &c.

On motion by Mr. Orth,

Said petition was referred to the committee on military affairs.

Mr. Parks presented the remonstrance of citizens of Wayne county against allowing to colored persons any participation in common schools; which,

On motion by Mr. Parks,
Was referred to the committee on education.
Mr. Hamer, from the committee on federal relations, made the following report:

MR. PRESIDENT:

The committee on federal relations, to which was referred joint resolution of the House No. 255, in relation to the public lands in the county of Gibson, have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

No. 255;

Which was read a second time; and,

On motion by Mr. Hamer,

The rules were suspended, and it was read a third time and passed.

Mr. Berry of Monroe, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred bill of the House No. 286, entitled "An act to establish and relocate a State road in Vigo county," have had the same under consideration, and directed me to report said bill back to the Senate without amendment, and recommend its passage.

No. 286;

Which was read a second time; and,

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a third time and passed.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the Senate No. 242, entitled "A bill making additional allowance to the Adjutant General of the Indiana Militia, Secretary of State, and Quartermaster General, have had the same under their consideration, and a majority of said committee have directed me to report the same back to the Senate without amendment, and recommend the passage of said bill.

No. 242;

Which was read a second time.

Mr. Robinson moved to amend by striking out of the fourth line of the first section the word "five," and inserting in lieu thereof the word "three."

Mr. Handy moved to lay the amendment of Mr. Robinson on the table.

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Bowers, Chenowith, Clements, Coats, Davis, Day, Edmonston, English, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Miller, Marsh, Osborn, Parks, Rockhill, Simpson, Stewart, Stockwell, and Waters—27.

Those who voted in the negative are,

Messrs. Allison, Beard, Bradbury, Coffin, Conner, Ellis, Goodenow, Holloway, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Read, Robinson, Verbriek, Winchell, and Zenor—20.

So said amendment was laid on the table.

Said bill was then ordered to a third reading.

Mr. Bowers, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred a communication from the Secretary of the Treasury of the United States asking for statistical information relative to the agriculture and manufactures of this State have, according to order, had the same under consideration, and have instructed me to report that at present it is impossible to furnish the information asked for, but inasmuch as there is now a bill pending before the Senate providing for the resuscitation of the State Board of Agriculture, whose duty it will be to collect statistical information upon this subject, your committee ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared engrossed bill of the Senate No. 69, with the enrolled and find it correctly enrolled.

Mr. Read, from the committee on federal relations, made the following report:

MR. PRESIDENT:

The committee on federal relations, to which was referred a joint resolution of the House, No. 259, relative to the St. Joseph river, have had that subject under their consideration, and after giving it that consideration which the importance of the subject demanded, have directed me to report the joint resolution back to the Senate, with one amendment: Strike out from the word "and," in the preamble, to the word "purposes," inclusive, and when adopted, recommend its passage, and ask to be discharged from the further consideration thereof.

The question being upon concurring in the amendment of the committee; and,

The ayes and noes being demanded thereon,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Handy, Hardin, Henry, Howell, Jackson, Logan, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, and Waters—22.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Goodenow, Hamer, Hamrick, Holloway, Marsh, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Winchell, and Zenor—23.

So said amendment was not adopted.

Mr. Osborn moved to amend said joint resolution as follows:

Strike out the words "the only means of transporting," and insert in lieu thereof "an important outlet for."

Pending which motion of Mr. Osborn,

On motion by Mr. Berry of Franklin,
The Senate adjourned.

2 o'clock, P. M.

Senate met.

Leave being granted,

Mr. Hardin introduced,

No. 248. A bill to change the time of holding the February term of the probate court in the county of Johnson;

Which was read a first time.

On motion by Mr. Hardin,

The rules were suspended and the bill read a second time.

Mr. Hardin moved to amend, by inserting "first Monday," instead of the "third Monday;"

Which was adopted.

Mr. Hardin moved to suspend the rules, and read the bill a third time;

Which motion prevailed;

And the bill was read a third time and passed.

Mr. Handy moved to take up bill

No. 225. A bill to authorize the judge of the probate court of Shelby county to take acknowledgments of deeds and other instruments of writing, and to grant and try writs of *habeas corpus*;

Which was read a second time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a third time and passed.

Leave being granted,

Mr. Milliken introduced,

No. 249. A bill to amend an act declaratory of the meaning of the 29th section of the third article of the 31st chapter of the Revised Statutes of 1843;

Which was read a first time.

On motion by Mr. Milliken,

The rules were suspended and the bill read a second time, and referred to the judiciary committee.

Mr. Goodenow, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Thomas J. Godman, asking the privilege of conveying water along the line of the railroad to the city of Madison, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 250. A bill granting to Thomas J. Godman the privilege of supplying the city of Madison with water;

Which was read a first time.

On motion by Mr. Goodenow,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Berry of Monroe introduced,

No. 251. A joint resolution to suspend a part of a certain act therein named;

Which was read a first time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the joint resolution read a second and third times and passed.

Mr. Rockhill, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Ann Ferrand, praying that a law may be passed granting her relief for damages done by the construction of the St. Joseph feeder dam, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 252.

Which was read a first time.

On motion,

Mr. Handy had leave to withdraw papers relating to the application of John F. Godman for a divorce.

Mr. Murphey, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of the citizens of Henry and Madison counties, on the subject of retailing intoxicating liquors, have had the same under consideration, and have directed me to report the accompanying bill (No. 253) and recommend its passage, and ask to be discharged from the further consideration thereof:

No. 253. A bill in relation to retailing intoxicating liquors in the counties of Henry and Madison;

Which was read a first time.

On motion by Mr. Murphey,

The rules were suspended and the bill read a second time, and ordered to a third reading.

Mr. English moved to suspend the order of business and take up No. 340.

Which was agreed to.

And said bill was read a second time.

On motion by Mr. English,

The rules were suspended, and the bill read a third time and passed.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill thereof:

No. 353. An act supplementary to "An act to provide for the funded debt of the State of Indiana and for the completion of the Wabash and Erie canal to Evansville," approved January 19th, 1846;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate without amendment:

No. 47. An act for the relief of Ellen Bigger, widow of Samuel Bigger, deceased.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill of the Senate without amendment:

No. 57. An act to create the thirteenth judicial circuit, and to reorganize the third judicial circuit.

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have passed the following engrossed bill of the Senate:

No. 93. An act to incorporate the Lafayette Hydraulic Company;

With two amendments.

In which amendments the concurrence of the Senate is respectfully requested.

No. 68. (Senate.) A bill fixing the time of holding courts in the county of Marion.

No. 222. (House.) A bill to amend section 414 of chapter 40 of the Revised Statutes of 1843, relative to the advertising of real estate at sheriff's sale.

Which was read a third time and passed.

Mr. Robinson moved to suspend the order of business to introduce a bill,

And leave being given, introduced

No. 254. A bill concerning the practice of the circuit courts in the thirteenth judicial circuit, and repealing an act providing for a separate term in Decatur county;

Which was read a first time.

On motion by Mr. Robinson,

The rules were suspended, and the bill read a second and third times, and passed.

The following bills were severally read a third time, and passed.

No. 238. A bill (of the Senate) to incorporate the Belmont Manufacturing Company;

No. 241. A bill (of the House) to amend an act, entitled "An act to incorporate the town of Columbus, in Bartholomew county, Indiana," approved February 6, 1839;

No. 157. A bill (of the Senate) to repeal "An act more effectually to enable supervisors to open and keep in repair roads and highways;"

No. 243. A bill (of the House) to authorize the receiving of road tax separate from other tax or taxes.

Mr. Read moved to recommit said bill with the following instructions to the committee:

To amend by inserting,

Sec. —. That it shall not be necessary for the county treasurers to keep separate lists for the different funds, as now required by law; and any law now in force prohibiting said treasurers from giving change where State scrip is offered in payment of taxes be, and the same is hereby repealed.

Mr. Murphey moved to instruct the committee to so amend the bill as to exempt the county of Henry, and also, (upon the suggestion of Mr. Handy,) the county of Shelby, from the provisions of the bill.

Said motion to recommit, with said instructions, prevailed.

And said bill was, with said instructions, recommitted.

The following bills were severally read a third time, and passed:

No. 90. A bill (of the House) in relation to the service of subpoenas;

No. 92. A bill (of the Senate) to give married women the power to make wills, and to repeal section 9, chapter 30, of the Revised Statutes of 1843;

No. 229. A bill (of the Senate) to authorize George W. Lane, administrator of the estate of Arthur St. Clair, to purchase property at his own sale;

No. 275. A bill (of the House) to incorporate the Greenfield and Shelbyville Railroad Company;

No. 323. A bill (of the House) for the relief of Abram Hendricks & Son.

Which was read a third time.

And the question being on the passage of the bill,

And the ayes and noes being demanded by two Senators:

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Bowers, Chenowith, Clements, Coffin, Conner, Davis, Ellis, English, Goodenow, Holloway, Marsh, Milliken, Montgomery, Orth, Osborn, Robinson, Simpson, Stockwell, Waters, Winchell, and Zenor—24.

Those who voted in the negative are,

Messrs. Berry of Monroe, Bradbury, Day, Edmonston, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Miller, Milligan, Morgan, Murphey, Parks, Read, Rockhill, Stewart, and Verbriek—21.

So said bill was passed.

Mr. Rockhill offered the following resolution:

Resolved, That the committee on finance be instructed to inquire into the expediency of reporting a bill to refund to the several Branches of the State Bank, the amount advanced by them to aid in transporting the volunteers of the different companies to New Albany, the place of rendezvous.

Which was adopted.

No. —. A bill (of the House);

Which was read a first time.

Mr. Edmonston moved to suspend the rules, and read the bill a second time.

Which motion did not prevail.

The bill was ordered to a third reading on to-morrow.

No. 196. A bill (of the Senate) to define the duty of State Agent;

Which was read a second time, and,

On motion by Mr. Milliken,

Referred to the committee on finance.

No. 196. A joint resolution (of the Senate);

Which was read a second time; when,

On motion by Mr. Orth,

The rules were suspended and the joint resolution read a third time and passed.

No. 198. A bill (of the Senate) to provide for the distribution of the three per cent. fund;

Which was read a second time.

Mr. Morgan moved to amend by inserting the word "bridges."

Mr. Berry of Monroe moved to refer said bill to the committee on roads.

The ayes and noes being demanded upon the question of said reference by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Monroe, Bradbury, Chenowith, Clements, Coats, Coffin, Day, Edmonston, English, Hardin, Henry, Howell, Jackson, Marsh, Miller, Milligan, Montgomery, Osborn, Stockwell, Waters, and Winchell—22.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Handy, Holloway, Logan, Milliken, Morgan, Murphey, Orth, Parks, Read, Robinson, Simpson, Stewart, Verbribe, and Zenor—23.

So said bill was not referred to the committee on roads.

Mr. Edmonston moved to amend the bill so as to divide said three per cent. equally among the counties of the State.

Mr. Milliken moved to amend the bill.

Mr. Ellis moved to lay the amendment on the table.

Mr. Montgomery moved to include in the motion of Mr. Ellis to lay on the table the bill also.

A division of the question was called for.

The question then being upon laying the amendments on the table, and the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Bowers, Bradbury, Coats, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Holloway, Logan, Milliken, Morgan, Murphey, Orth, Parks, Read, Robinson, Simpson, Stewart, Verbribe, and Zenor—27.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Monroe, Chenowith, Clements, Day, Edmonston, English, Howell, Jackson, Marsh, Miller, Milligan, Montgomery, Osborn, Rockhill, Stockwell, Waters, and Winchell—19.

So said amendments were laid on the table.

The question then being upon laying the bill on the table, and the ayes and noes being demanded thereon,

Those who voted in the affirmative are,

Messrs. Berry of Monroe, Chenowith, Clements, Coffin, Day,

Edmonston, Howell, Marsh, Miller, Milligan, Montgomery, Rockhill, and Stockwell—13.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Coats, Conner, Davis, Ellis, English, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Holloway, Logan, Milliken, Morgan, Murphey, Orth, Osborn, Parks, Read, Robinson, Simpson, Stewart, Verbribe, Waters, Winchell, and Zenor—32.

So said bill was not laid on the table.

Mr. Verbribe moved the previous question;

Which was seconded.

The question then being, "Shall the main question be now put?"

Before the same was decided,

Mr. Handy moved to adjourn.

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Clements, Conner, Edmonston, English, Howell, Marsh, Miller, Milligan, Montgomery, Rockhill, Stockwell, and Winchell—13.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Coats, Coffin, Davis, Day, Ellis, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Holloway, Logan, Milliken, Morgan, Murphey, Orth, Osborn, Parks, Read, Robinson, Simpson, Stewart, Verbribe, Waters, and Zenor—32.

So said motion to adjourn did not prevail.

Mr. Marsh moved to adjourn, and the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Monroe, Bowers, Bradbury, Clements, Conner, Edmonston, English, Howell, Marsh, Miller, Milligan, Montgomery, Rockhill, Stewart, Stockwell, Winchell, and Zenor—23.

Those who voted in the negative are,

Messrs. Beard, Chenowith, Coats, Coffin, Davis, Day, Ellis, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Holloway, Logan,

Milliken, Morgan, Murphey, Orth, Osborn, Parks, Read, Robinson, Simpson, and Verbriek—25.

So the Senate did not adjourn.
The President adjourned the Senate.

MONDAY MORNING, JANUARY 18th, 1847.

The Senate assembled.

The journal of the preceding day was read.
The following messages were received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills thereof:

- No. 18. An act to incorporate the town of Mount Vernon;
- No. 96. An act for the improvement of the breed of horses and mules in the counties of Blackford and Kosciusko;
- No. 169. An act for the improvement of the Cambridge City and Fort Wayne State road in the county of Wells;
- No. 161. An act for the safe keeping of the records of Ohio county;
- No. 66. An act to reduce the expenses of Floyd county;
- No. 171. An act to re-locate a portion of the State road in Carroll county;
- No. 149. An act authorizing the location of a State road in the counties of Kosciusko and Marshall;
- No. 154. An act to amend an act entitled "An act to incorporate the trustees of the Indiana Asbury University," approved January 10, 1837;
- No. 138. An act to locate a State road in Randolph and Wayne counties;
- No. 166. An act to locate a State road in the counties of Wells and Adams;
- No. 175. An act to locate a State road in the counties of Grant and Madison;

No. 155. An act to locate a State road from Logansport to Marion, in Grant county;

No. 228. An act to legalize the proceedings of the board of commissioners of Adams county and for other purposes;

No. 170. An act for the better protection of religious assemblies;

No. 240. An act to incorporate the Christian church on White river, in Stony Creek township, Randolph county, Indiana;

No. 207. An act to locate a State road in the counties of Wells, Blackford, and Jay, in the State of Indiana;

No. 220. A joint resolution of the General Assembly of the State of Indiana;

No. 61. An act to extend the time of receiving work on road tax in the counties therein named;

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills and joint resolutions thereof:

No. 150. A joint resolution relative to the duties of the superintendent of the Central Canal;

No. 61. An act to extend the time of receiving work on road tax, in the counties therein named;

No. 102. An act forming separate corporations for school purposes, of township No. 1 north, of range 10 west, in Gibson and Knox counties;

No. 131. An act authorizing the Secretary of State to make a deed in a certain case;

No. 209. An act to more particularly define the boundary line between the counties of Gibson and Warrick;

No. 123. An act to repeal the third section of an act, entitled "An act to provide for the reappraisement of real estate heretofore appraised and subject to taxation, and for other purposes;"

No. 118. An act amendatory to an act for the relief of Delaware and Grant counties, approved January 13, 1844;

No. 103. An act to repeal an act, entitled "An act for the protection of wild fruit growing on the public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko," approved January 13, 1844, so far as relates to the county of Pulaski;

No. 94. An act making an appropriation for the arrest of Silas Doty, a fugitive from justice;

No. 86. An act to extend the benefit of a certain act therein named, to the counties of Clinton and Carroll.

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills thereof:

No. 139. An act to establish a State road in the county of Dearborn;

No. 185. An act to incorporate the trustees of the Underwood Burying Ground;

No. 158. An act to amend an act, entitled "An act to relocate a portion of the State road leading from Greenfield, Hancock county, to Lebanon, in Boone county," approved January 15, 1846;

No. 307. An act changing the time of holding the probate court in the county of St. Joseph;

No. 152. An act to amend the 48th chapter, article 5th, of the Revised Statutes of 1843, in regard to writs of *ad quod damnum*;

No. 40. An act to legalize the acts of masters in chancery in the county of Huntington;

No. 121. An act authorizing the sale of section sixteen, in township No. 27 north, range 7 east;

No. 271. An act to amend the 8th section of an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831;

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills and joint resolutions thereof:

No. 226. An act to vacate certain streets and alleys in the City of Cambridge;

No. 227. An act for the relief of William Taggart and his securities;

No. 220. A joint resolution of the General Assembly of the State of Indiana;

No. 207. An act to locate a State road in the counties of Wells, Blackford, and Jay, in the State of Indiana;

No. 240. An act to incorporate the Christian Church, on White river, in Stony Creek township, Randolph county, Indiana;

No. 155. An act to locate a State road from Logansport to Marion, in Grant county;

No. 228. An act to legalize the proceedings of the board of commissioners of Adams county, and for other purposes;

No. 175. An act to locate a State road in the counties of Grant and Madison;

No. 166. An act to locate a State road in the counties of Wells and Adams;

No. 138. An act to locate a State road in Randolph and Wayne counties;

No. 171. An act to relocate a portion of the State road in Carroll county;

No. 149. An act authorizing the location of a State road in the counties of Kosciusko and Marshall;

No. 154. An act to amend an act, entitled "An act to incorporate the Trustees of the Indiana Asbury University," approved January 10, 1837.

Which I am directed to bring to the Senate for the signature of the President thereof.

And the President accordingly signed said bills.

Mr. Miller presented a certain petition, and the following bill, in accordance with the prayer of said petitioner:

No. 255. A bill for the relief of Ninian Hoskins, jr.;

Which was read a first time.

On motion by Mr. Miller,

The rules were suspended, and the bill read a second and third times, and passed.

Leave being granted,

Mr. Robinson introduced,

No. 256. A bill to incorporate the Greensburgh and Harrison Turnpike Company;

Which was read a first time.

On motion by Mr. Robinson,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Handy presented the petition of the superintendent of common schools for remuneration for services; which,

On motion by Mr. Handy,

Was referred to the committee on claims.

Leave being granted,

Mr. Davis, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred two petitions of the citizens of New Albany, in relation to amending the charter of said city, have had the same under consideration, and have instructed me to report the following bill, and respectfully recommend its passage:

No. 257. A bill to amend an act, entitled "An act to incorporate the City of New Albany, and to repeal all laws now in force incorporating the town of New Albany," approved February 14, 1839.

Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second and third times, and passed.

Leave being granted,

Mr. Montgomery, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred bill of the House No. 342, have, according to order, had the same under consideration, and directed me to report the bill back to the Senate, with one amendment, and recommend its passage.

Insert in the proper place:

"*Provided, however,* That nothing herein contained shall be so construed as in any wise to affect the vested rights of any individual or individuals owning property on said river."

Which report was concurred in,

And the amendment adopted.

On motion by Mr. Montgomery,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Logan presented the petition of William Shanks and others, citizens of Washington county, requesting the repeal of the law confining voters to their respective townships in said county; which,

On motion by Mr. Logan,

Was referred to a select committee of Messrs. Logan, Hardin, and Holloway.

Mr. Stewart presented the petition of sundry citizens of Marion county, in relation to the repair of a certain levee therein named; which,

On motion by Mr. Stewart,

Was referred to a select committee of Messrs. Stewart, Handy, and Conner.

Leave being granted,

Mr. Rockhill, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of John Brown, and other citizens of Allen county, praying that a law may be passed granting a charter for a turnpike road from Fort Wayne to Goshen, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 258. A bill to incorporate the Fort Wayne and Goshen Turnpike Company;

Which was read a first time.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a second time, and referred to the committee on corporations.

Leave being granted,

Mr. Read, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of the president and trustees of the city of Jeffersonville, praying the passage of an act granting the said city a new charter, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 259. A bill to incorporate the city of Jeffersonville;

Which was read a first time.

On motion by Mr. Read,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 249, entitled "A bill to amend an act entitled 'an act declaratory of the meaning of the 29th section of the third article of the 31st chapter of the Revised Statutes of 1843,'" have had the same under consideration, and instructed me to report the same back with one amendment, upon the adoption of which, they recommend its passage:

Amend the bill by striking out the second section thereof.

Which report was concurred in, and the amendment adopted.

On motion by Mr. Milliken,

The rules were suspended, and the bill read a third time and passed.

Mr. Murphey, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the House No. 246, "A bill to authorize writs of *ne exeat*," have had

the same under consideration, and have directed me to report it back to the Senate, and recommend its passage:

On motion by Mr. Orth,
The rules were suspended, and the bill read a third time and passed.

Mr. Barbour, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to which was referred bill of the House No. 277, "A bill to amend the act regulating the proceedings under the writ of *ad quod damnum*," have had the same under consideration, and have instructed me to report the said bill back to the Senate, and recommend its indefinite postponement.

Which report was concurred in, and the bill accordingly indefinitely postponed.

Mr. Winchell, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to which was referred House bill No. 308, have had the same under consideration, and directed me to report the same back to the Senate, and ask that it be laid upon the table, and also ask to be discharged from the further consideration of the same.

Which report was concurred in, and the bill laid upon the table.

Mr. Clements, from the committee on the judiciary made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate No. 244, entitled "A bill for the relief of debtors," have had the same under consideration, and have directed me to report the same back, and recommend its indefinite postponement.

Which report was concurred in, and the bill accordingly indefinitely postponed.

Mr. Osborn, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to which was referred Senate bill 208,

"A bill to amend the general provisions respecting wills and testaments," have considered and have instructed me to report the same back to the Senate, with the following amendment; and said committee ask to be discharged from the further consideration thereof:

Amend by striking out the fifth section.

Which report was concurred in, and the amendment adopted.

The bill as amended was then ordered to be engrossed for a third reading.

Mr. Osborn, from the committee on the judiciary made the following report:

MR. PRESIDENT:

The judiciary committee, to which was referred bill of the House No. 272, have considered it, and instructed me to report the same back to the Senate, with an amendment, and when so amended, to recommend its passage; and said committee ask to be discharged from the further consideration thereof:

Amend by adding the following:

SEC. 3. Either party to a writ of *habeas corpus* may sue out of the Supreme Court, a writ of error to the court or judge trying the same, upon any final judgment and determination thereof, in the same manner as writs of error may now be issued to the several circuit courts; and the court or judge shall sign and seal all proposed bills of exceptions which may be tendered during the progress of such trial.

Which report was concurred in, and the amendment adopted.

The bill as amended was then ordered to a third reading.

Mr. Berry of Monroe offered the following resolution:

Resolved, That the House of Representatives be respectfully requested to return to the Senate bill of the House No. 75, entitled "An act declaring a part of Salt Creek a public highway;"

Which was adopted.

Mr. Berry of Franklin introduced,

No. 260. A bill to change the name of Wesley P. Hitchcock to that of Wesley P. David;

Which was read a first time.

On motion by Mr. Berry of Franklin,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Bowers introduced,

No. 261. A bill to provide for the opening of a State road in the counties of Dearborn and Ripley;

Which was read a first time.

On motion by Mr. Bowers,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Stockwell introduced,

No. 262. A bill granting to the citizens of Evansville, in the county of Vanderburgh, a city charter;

Which was read a first time.

On motion by Mr. Stockwell,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report, that on the 18th day of January, 1847, they presented to His Excellency, the Governor, for his approbation and signature, bills of the House Nos. 69, 226, 227, 220, 207, 240, 155, 228, 175, 166, 138, 171, 149, 154, 150, 61, 102, 131, 209, 123, 118, 103, 94, 86, 170, 66, 161, 169, 96, 18, 139, 185, 158, 307, 152, 40, 121, and 271.

Mr. Barbour moved to take from the table,

No. 341. (House.) A bill to amend an act giving the right to the voters of Marion county to decide as to authorizing licenses to retail spirituous liquors in their townships, approved January 19, 1846;

Which motion prevailed.

On motion,

The rules were suspended, and the bill read a third time and passed.

Mr. Berry of Monroe moved to take from the table,

No. 207. (Senate.) A bill attaching certain territory to the county of Carroll;

Which motion prevailed.

On motion by Mr. Taber,

The bill and petition in relation to that subject were referred to the committee on the judiciary.

Mr. Rockhill moved to take from the files,

No. 231. (House.) A bill to legalize certain proceedings of the probate court of Allen county;

Which motion prevailed, and the bill was read a second time.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a third time and passed.

Mr. Clements moved to take from the files,

No. 199. (Senate.) A bill to allow widows to avail themselves of the law allowing them one hundred and fifty dollars of their husbands' effects;

Which motion prevailed, and the bill was read a second time.

On motion by Mr. Clements,

The rules were suspended, and the bill read a third time and passed.

Mr. Taber moved to take from the table,

No. 129. (House.) A bill declaring a certain act therein named to be in force;

Which motion prevailed.

On motion by Mr. Taber,

The rules were suspended, and the bill read a third time and passed.

The following message from the House of Representatives was then taken up:

MR. PRESIDENT:

The House of Representatives have directed me to inform the Senate that the House have passed the following engrossed bills and joint resolutions thereof:

No. 49. An act to authorize the executors of the estate of Jacob Sinks, late of Wayne county, deceased, to sell certain real estate;

No. 221. An act to declare the meaning of an act therein named;

No. 268. An act to authorize the probate judge of Dearborn county to issue writs of habeas corpus;

No. 281. An act relating to auditor's fees in Bartholomew county;

No. 314. An act to provide for the payment of the expenses of completing the selecting, appraising, classifying, and mapping the lands granted by Congress for completing the Wabash and Erie canal from Terre Haute to the Ohio river;

No. 318. An act to amend an act entitled "An act to provide for the appointment of township assessors in certain counties therein named, and defining their duties," approved January 15, 1844, so far as the same relates to the county of Washington;

No. 320. An act to regulate and change the time of holding courts in the 4th judicial circuit, and authorizing special chancery courts to be held therein;

No. 350. An act in relation to the side-cut constructed by the Delphi Storage and Forwarding Company;

No. 351. A joint resolution in reference to the protection of American industry in all its various departments;

No. 356. A joint resolution in relation to holding a session of the Supreme Court of the United States west of the Allegheny mountains;

No. 357. A joint resolution in regard to the hospital for the insane;

No. 359. An act to establish an additional election precinct in Deer Creek township, in Perry county, and for other purposes;

No. 360. An act fixing a certain annual compensation to the auditor of Boone county;

No. 361. An act fixing the fees of the auditor of the county of Randolph;

No. 362. An act to legalize the marriage of Celia Lowder and Henry Perdue of Daviess county;

No. 364. An act to provide for an additional place of holding elections in Clark county;

No. 365. An act to locate a State road in the counties of Miami, Howard, and Madison;

No. 366. An act providing for the election of township assessors in Hancock county;

No. 368. An act to change the time of holding probate courts in Parke county;

No. 369. An act declaratory of the powers of the president and associate judges to enforce injunctions in vacation;

No. 371. An act to authorize the Governor to issue a patent for a certain tract of canal land;

No. 415. An act in relation to a school district in Lagrange county;

No. 417. An act to provide for the holding of special terms of the circuit court in the county of Jefferson;

In which the concurrence of the Senate is respectfully requested.

No. 357, in said message, was read a first time and ordered to a second reading.

No. 417 was read a first time.

On motion by Mr. Goodenow,

The rules were suspended and the bill read a second and third times and passed.

Nos. 415 and 371 were severally read a first time and ordered to a second reading.

No. 369 was read a first time.

On motion by Mr. Osborn,

The rules were suspended, and the bill read a second time and referred to the committee on the judiciary.

No. 368 was read a first time.

On motion,

The rules were suspended, and the bill read a second and third times and passed.

No. 366 was read a first time.

On motion,

The rules were suspended, and the bill read a second and third times and passed.

No. 365 was read a first time and ordered to a second reading.

No. 364 was read a first, second, and third times, the rules being suspended, and passed.

No. 362 was read a first time.

On motion by Mr. Clements,

The rules were suspended, and the bill read a second and third times, and passed.

No. 361 was read a first time and ordered to a second reading.

No. 360 was read a first time.

On motion by Mr. Conner,

The rules were suspended, and the bill read a second time and referred to a select committee of Messrs. Conner, Bowers, and Handy.

No. 359 was read a first time.

On motion by Mr. Howell,

The rules were suspended, and the bill read a second and third times and passed.

No. 357 was read a first time and ordered to a second reading.

No. 356 was read a first time and ordered to a second reading.

No. 351 was read a first and second times, the rules being suspended.

Mr. Handy moved to refer said joint resolution to the committee on federal relations.

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, and Taber—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Clements, Coffin, Conner, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—22.

And the joint resolution was so referred.

No. 350 was read a first time.

On motion by Mr. Waters,

The rules were suspended and the bill read a second time and referred to the committee on the judiciary.

No. 320 was read a first, second and third times, the rules being suspended, and passed.

No. 318 was read a first time.

On motion by Mr. Logan,

The rules were suspended and the bill read a second time, and referred to a select committee of Messrs. Logan, Miller, English, and Zenor.

No. 314 was read a first and second times, the rules being suspended, and referred to the committee on claims.

No. 281 was read a first time.

On motion by Mr. Barbour,
The rules were suspended, and the bill read a second time.

On motion by Mr. Davis,
The bill was so amended as to allow said auditor all perquisites derived from individuals.

On motion by Mr. Barbour,
The rules were further suspended, and the bill read a third time and passed.

No. 268 was read a first time.

On motion by Mr. Milliken,
The rules were suspended and the bill read a second and third times and passed.

No. 221 was read a first time.

On motion by Mr. Orth,
The rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

No. 49 was read a first time.

On motion by Mr. Holloway,
The rules were suspended and the bill read a second and third times and passed.

The following message from the House of Representatives was then taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill thereof:

No. 304. An act to reorganize and regulate the militia of the State of Indiana;

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time, and ordered to a second reading.

On motion,
The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Leave being granted,

Mr. Hamer presented the petition of sundry citizens of Orange and Lawrence counties, relative to the relocation of a State road between Paoli and Mount Pleasant; which,

On motion by Mr. Hamer,

Was referred to the committee on canals and internal improvements.

Leave being granted,

Mr. Marsh offered the following resolutions:

WHEREAS, The Hon. Abraham Cuppy, Senator from the counties of Whitley, Kosciusko, and Huntington, departed this life at the Palmer House, in this city, on this day, at 2 o'clock, P. M.: Therefore,

Be it resolved, That the Senate of the State of Indiana deeply feel the affliction of Divine Providence, in the removal of one of their number by death, and while they submit with reverence, they will long cherish the memory of the sterling virtues of their departed friend.

2. *Resolved*, That the members of this General Assembly deeply condole with the widow and relatives of the deceased, in their irreparable loss, and direct the Secretary of the Senate to forward to the widow of the deceased a copy of these resolutions.

3. *Resolved*, That a committee of three on the part of the Senate, and a like committee on the part of the House, be appointed to make the necessary arrangements for the removal of the remains of our departed friend to his late residence in Whitley county, and that the expense of said committee be paid by the State.

4. *Resolved*, That the members of this General Assembly will wear the usual badge of mourning during the present session, and will attend the remains of our deceased friend to the limits of the city, at such time as the friends and the committee are prepared for his removal.

5. *Resolved*, That the House of Representatives be requested to concur herein; and as an additional mark of respect, the Senate will adjourn until to-morrow morning, at nine o'clock.

Which were adopted; and,

The Senate accordingly adjourned.

TUESDAY MORNING, JANUARY 19, 1847.

The Senate assembled.

The journal of the preceding day was read.

The following message was received from the House of Representatives by Mr. Ward, their clerk:

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MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution:

Resolved unanimously, That the House reciprocate the resolutions of the Senate, in relation to the loss sustained by that body, in the death of the Hon. Abraham Cuppy.

Resolved unanimously, That as a token of the respect entertained by this House for the memory and virtues of the deceased, the members of this House will wear the usual badge of mourning during the remainder of the session.

Resolved unanimously, That a committee of three on the part of this House, be appointed to act with a similar committee of the Senate, to make arrangements for conveying the remains of the deceased to his late residence in Whitley county.

Resolved unanimously, That a copy of these resolutions be transmitted by the Speaker of this House to the family of the deceased.

Resolved unanimously, That the Clerk of this House be directed to convey a copy of these resolutions to the Senate.

Resolved unanimously, That as a further mark of respect for the deceased, this House will adjourn until to-morrow morning, nine o'clock.

And that Messrs. Palmer, Parker, and Colms, have been appointed said committee on the part of the House.

Mr. Marsh, on leave given, made the following report from a joint select committee:

MR. PRESIDENT:

The joint select committee who were appointed to make arrangements for the funeral of the Hon. Abraham Cuppy, deceased, have had that subject under consideration, and directed me to report the following order of arrangements, and respectfully ask the concurrence of the Senate therein:

ORDER OF ARRANGEMENTS.

For the Funeral of the HON. ABRAHAM CUPPY, deceased, late a member of the Senate, from the counties of Elkhart, Kosciusko, and Whitley.

The members and officers of the Senate will meet in their Chamber at 10 o'clock, to-morrow morning.

The members and officers of the House of Representatives will meet in the Hall at the same hour.

ORDER OF PROCESSION.

The Reverend Clergy.

Pall Bearers.	{	CORPSE.	{	Pall Bearers.
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The Representatives from the Senatorial district composed of the counties of Elkhart, Kosciusko, and Whitley, as mourners.

Governor.

Committee of Arrangements.

President and Secretary of the Senate.

Members and Officers of the Senate.

Speaker and Clerk of the House of Representatives.

Members and Officers of the House of Representatives.

Judges of the Supreme Court.

Officers of State.

Citizens generally.

The procession will form at the Capitol at 10 o'clock, A. M. and proceed to the Palmer House, and return from thence with the Corpse to the Hall of the House of Representatives, where Divine Service will be performed by the Rev. Mr. Owen.

After the conclusion of Divine Service, the procession will move in like order to the limits of the city.

The Pall Bearers will consist of

Mr. Edmonston,	Mr. Read,
Mr. English,	Mr. Zenor,
Mr. Simpson,	Mr. Orth,
Mr. Day,	Mr. Bradbury.

The procession will be under the supervision of Mr. Barbour, as Marshal, assisted by Messrs. Parks and Fuller, as Assistant Marshals. January 18, 1847.

Which report and order of arrangements were concurred in.

Mr. Marsh offered the following resolution:

Resolved, That the Hon. John W. Wright be appointed to accompany the remains of the Hon. Abraham Cuppy, deceased, to his late residence in Whitley county, and superintend their interment;

Which was adopted.

Mr. Holloway, Senator from Wayne county, rose in his place and addressed the President of the Senate as follows:

MR. PRESIDENT:—The startling announcement that death has entered this chamber, and taken from our very midst one of our associates, must impress all with feelings of sorrow. That impression is

depicted upon every countenance before me. The heart is full, and the moistened eye, and quivering lip, speaks that which no tongue can utter. The vacant chair, beside yon column, will serve to remind us that he who so recently occupied it, is no more. That chair shrouded in mourning, will meet the eye instead of the manly form, and benignant countenance of our deceased friend.

It has been my fortune to be slightly acquainted with our departed friend for the past 22 years. In my youth, he was a citizen of the county of Wayne, and though my senior in years, I have a recollection of the high estimation in which he was then held by those with whom he associated. Some ten years since he removed to the north, and my acquaintance with him has only been as an associate in this chamber, and in the other end of the capitol; but I know the declaration that he was respected and esteemed as a man of sterling integrity and virtue by his associates here, will find a sincere response in their hearts. He has been ever prompt in the discharge of his duties—he was courteous and affable in his intercourse—liberal and charitable to those with whom he differed in opinion on measures of political economy, and at all times manifested a disposition to do unto others as he would have them to do unto him.

He has for several years labored under the ills of a frail constitution, and for the past two weeks was confined to his room, during which time he complained not—murmured not. Although he departed this life far from his home, and was deprived of the comforting and consoling presence of the cherished partner of his bosom, yet it must be a consolation to her, and his orphan children, to be assured that in his hours of sickness, he was surrounded by devoted friends, who administered to him all that the skill of the most experienced physicians could suggest—all that kindness and a sincere solicitude for his recovery could invent; and that in the hour of his spirit's departure from this world to enter the realms of bliss beyond the grave, the prayers of sorrowing and pleading hearts accompanied it to the throne of mercy. He died, we trust, as we believe he lived, in full confidence of the power of his Redeemer.

We will accompany his lifeless remains to the confines of this city; but can we anticipate its arrival at that home he left so recently so full of hope. We would not witness that scene if we could. The thought of it swells the heart with sympathy, for we know not how soon our own happy homes may present a similar scene of sorrow and of woe. We know not but that our own families, elated now with the fond hopes of our speedy return, may yet be called upon to weep tears of bitter agony over our cold and shrouded remains, conveyed to them from this place.

In other days I knew the bereaved wife of our deceased friend—she spent the happy days of her youth near my early home, and I cannot but express the hope that the assurance we here make, that had it been in the power of kindness and the physician's skill to have saved him whom she loved in life and in death, he had returned

full of life and joy, to his sacred home. And may this dispensation of Providence teach her and us to bow in humble submission to that Power which doeth all things for His glory.

Mr. Berry of Monroe moved that the above eulogy upon the character of the deceased be placed upon the journal, and that the Senate do now adjourn;

Which was consented to.

When the Senate adjourned.

2 o'clock, P. M.

The Senate met.

The following messages were received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed joint resolution of the Senate without amendment:

No. 194. A joint resolution on the subject of arming our light companies with rifles.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bill of the House:

No 323. An act for the relief of Abram Hendricks & Son.

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills thereof:

No. 250. An act in regard to the former surplus revenue agent in Perry county, (John Elder,) and his securities;

No. 251. An act providing for the settlement of a claim of Adam Moderwell.

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate, without amendment:

- No. 91. An act in relation to brokers;
 - No. 106. An act to vacate offices when officers become insane;
 - No. 109. An act to incorporate a public seminary in the town of Aurora, in the county of Dearborn;
 - No. 115. An act for the relief of Andrew W. Baker and Rosannah Baker, his wife, and Alamander Mendenhall;
 - No. 124. An act to amend an act, entitled "An act to establish a turnpike road in the county of Adams," approved January 13, 1845.
 - No. 126. An act to authorize the superintendent of the Wabash and Erie Canal to pay such equitable claims as counties and individuals may have for surveying and locating the canal from Tippecanoe to Terre Haute;
 - No. 128. A bill to locate a State road in Daviess, Martin, and Dubois counties;
 - No. 149. An act extending the time of holding the probate court in Fountain county;
 - No. 150. An act to amend an act, entitled "An act to authorize the removal of obstructions in Big and Little Blue river, in Shelby county;"
 - No. 155. An act for the relief of the prosecuting attorney of the fourth judicial circuit;
 - No. 187. An act to confirm a certain deed to the Methodist Episcopal Church in Greenfield, Hancock county;
 - No. 197. An act to amend an act, entitled "An act to incorporate the West Delphi Bridge Company."
- And that the House have also passed the following engrossed joint resolution of the Senate with three amendments:
- No. 154. A joint resolution on the subject of improving the mail communication between the Wabash Valley and New Orleans.
- In which amendments the concurrence of the Senate is respectfully requested.

Mr. Morgan moved to take from the table,

No. 11. A bill (of the House) relative to loaning school funds.

Which motion prevailed.

Mr. Morgan then moved to reconsider the vote by which the amendments to said bill were adopted;

And the ayes and noes being demanded thereon by Messrs. Morgan and Winchell:

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Bowers, Bradbury, Coats, Day, Edmonston, Ellis, English, Green, Hamer, Hamrick, Handy, Henry, Holloway, Howell, Jackson, Miller, Milligan, Morgan, Montgomery, Orth, Robinson, Simpson, Stewart, Stockwell, Verbriek, Waters, and Winchell—27.

Those who voted in the negative are,

Messrs. Allison, Barbour, Chenowith, Clements, Conner, Davis, Goodenow, Hardin, Logan, Marsh, Milliken, Montgomery, Murphey, Osborn, Read, Rockhill, and Taber—16.

So said vote was reconsidered.

Mr. Morgan moved to lay the amendments on the table.

And the ayes and noes being demanded by two Senators thereon:

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Bradbury, Chenowith, Conner, Day, Edmonston, Ellis, English, Green, Hamrick, Handy, Hardin, Holloway, Howell, Miller, Milligan, Morgan, Montgomery, Simpson, Stewart, Stockwell, Verbriek, Waters, Winchell, and Zenor—27.

Those who voted in the negative are,

Messrs. Allison, Barbour, Clements, Coats, Davis, English, Goodenow, Hamer, Henry, Jackson, Logan, Marsh, Milliken, Murphey, Osborn, Read, Robinson, Rockhill, and Taber—19.

So said amendments were laid on the table.

Mr. Murphey moved to lay the bill on the table.

And the ayes and noes being demanded by two Senators thereon:

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Clements, Coats, Conner, Davis, Goodenow, Green, Hamer, Logan, Marsh, Milliken, Murphey, Osborn, Read, Robinson, Stockwell, and Taber—18.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Day, Edmonston, Ellis, English, Hamrick, Handy, Hardin, Holloway, Howell, Jackson, Miller, Milligan, Morgan, Montgomery, Rockhill, Simpson, Stewart, Verbriek, Waters, Winchell, and Zenor—27.

So said bill was not laid on the table.

Said bill was ordered to a third reading.

Mr. Berry of Monroe, upon leave given, introduced
No. 263. A bill authorizing the Governor of this State to appoint
a probate judge *pro tempore* in the county of Monroe;

Which was read a first time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a second and third
times, and passed.

Mr. Berry of Monroe, upon leave given, introduced

No. 264. A bill authorizing the sale of certain real estate therein
named;

Which was read a first time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a second and third
times, and passed.

Mr. Winchell, upon leave given, presented the petition of sundry
citizens of Grant county, and also, in accordance therewith, intro-
duced

No. 265. A bill regulating the granting of licenses in the county
of Grant;

Which was read a first time.

On motion by Mr. Winchell,

The rules were suspended, and the bill read a second and third
times, and passed.

Mr. Milliken, upon leave given, introduced

No. 266. A bill in relation to travelling merchants, or pedlars in
the several counties therein named;

Which was read a first time.

On motion by Mr. Milliken,

The rules were suspended, and the bill read a second time.

Mr. Miller then moved to amend the bill by inserting Orange
county; and upon the suggestion of the several Senators representing
them, also the following counties, to-wit:

Jefferson, Fayette, Union, Wayne, Delaware, Rush, Decatur, Hen-
ry, Cass, Floyd, Knox, Daviess, Martin, Fountain, Montgomery,
Tippecanoe, and Lawrence.

Which were adopted.

On motion by Mr. Milliken,

The rules were suspended, and the bill read a third time, and
passed.

Mr. Edmonston, upon leave given, presented the petition of—

Which,

On motion by Mr. Edmonston,

Was referred to the committee on claims.

Mr. Read, upon leave given, introduced,

No. 267. A bill to incorporate the Jeffersonville Industrial and
Literary Institute;

Which was read a first time.

On motion by Mr. Read,

The rules were suspended, and the bill read a second and third
times and passed.

No. 343. (House.) A bill regulating the jurisdiction of justices of
the peace in Switzerland county, and for other purposes;

Which was read a first time.

On motion by Mr. Milliken,

The rules were suspended, and the bill read a second time and
laid on the table.

No. 370. (House.) A bill to amend the acts now in force in regard
to sending students to the State University;

Which was read a first time.

On motion by Mr. Beard,

The rules were suspended, and the bill read a second time.

On motion by Mr. Edmonston,

The bill was referred to the committee on education.

No. 154. (Senate.) A joint resolution on the subject of improving
the mail communication between the Wabash valley and New Or-
leans;

The amendments of the House to said joint resolution were con-
curred in by the Senate.

No. 348. A bill for the improvement of common schools in the
State of Indiana;

Read a first time.

Mr. Miller moved to reject said bill.

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Edmonston, Goodenow, Hardin, Logan, Miller,
Milligan, Rockhill, Taber, and Zenor—10.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe,
Bowers, Bradbury, Chenowith, Clements, Coats, Conner, Davis,
Day, Ellis, English, Green, Hamer, Hamrick, Handy, Henry, Hol-
loway, Howell, Jackson, Marsh, Milliken, Morgan, Montgomery,
Murphey, Orth, Read, Robinson, Simpson, Stewart, Stockwell, Ver-
briake, Waters, and Winchell—36.

So the bill was not rejected.

The bill was then ordered to a second reading.

No. 344. A bill to authorize the formation of voluntary associa-
tions;

Read a first time.

On motion by Mr. Ellis,

The rules were suspended, and the bill read a second time and referred to the committee on corporations.

No. 256. A bill to provide for the election of an additional justice of the peace and constable in Jackson township, in Boone county; Read a first time and ordered to a second reading.

The following message was then taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate, without amendment:

No. 186. An act to authorize the commissioners of the sinking fund to make settlement with Horace B. Smith.

And that the House of Representatives have concurred in the engrossed amendments of the Senate to the following engrossed bills and joint resolution of the House:

No. 106. An act to amend the charter of the Hagerstown Canal Company, and to legalize their acts;

No. 156. An act in relation to the common school fund in the county of Jackson;

No. 167. An act to locate a State road in the counties of Richardville and Carroll;

No. 177. A joint resolution in relation to actual settlers on Congress lands;

No. 215. An act to amend an act entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter," and also all acts amendatory thereto;

And that the House have also concurred in the engrossed amendment of the Senate to the following engrossed bill of the House, with one amendment:

No. 135. An act authorizing the collection of certain taxes therein named;

In which amendment the concurrence of the Senate is respectfully requested.

Said amendment of the House was concurred in by the Senate.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the engrossed amendments of the Senate to the following engrossed bill of the House with two amendments:

No. 115. An act to locate a State road in the counties of Grant and Richardville;

In which amendments the concurrence of the Senate is respectfully requested.

And that the House have also passed the following engrossed bill of the Senate, with one amendment:

No. 70. An act to provide for the punishment of seduction; In which the concurrence of the Senate is respectfully requested.

Which amendments were severally concurred in by the Senate.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 373. An act to authorize the people of the several townships of the several counties, to prohibit the retailing of spirituous liquors;

No. 414. An act to authorize the erection of an institution for the deaf and dumb;

In which the concurrence of the Senate is respectfully requested.

Said bill, No. 373, was read a first time and ordered to a second reading.

No. 414 was read a first time.

On motion by Mr. Hamrick,

The rules were suspended, and the bill read a second time, and referred to the committee on benevolent institutions.

BILLS ON THIRD READING.

No. 272. (House.) A bill to amend the provisions of chapter 37, section 70, part 3, article 1, of the Revised Statutes of 1843;

Read a third time and passed.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills thereof:

No. 296. An act to improve the roads in Centre township in the county of Dearborn;

No. 62. An act to amend an act entitled, "an act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842;

No. 186. An act to provide for the recording of bonds and letters of guardians;

No. 160. An act declaring an act therein named to be a misprint;

No. 137. An act to authorize the clerks of circuit courts to administer oaths in certain cases;

No. 80. An act for the benefit of Parke County Seminary;

No. 184. An act amendatory of an act entitled, "an act for the relief of James S. Mayes, late school commissioner of Knox county," approved January 20, 1846;

No. 180. An act to legalize the acts of Solomon M. Semans, a justice of the peace of White River township, in Randolph county;

No. 174. An act for the relief of James Kitchens, of Gibson county;

No. 108. An act in relation to proof of notice by publication;

No. 76. An act defining the width of roads in the counties of Clinton and Tipton;

No. 79. An act to amend an act entitled, "an act to modify the thirteenth section, chapter sixteen, of the Revised Statutes," approved January 19, 1846;

No. 67. An act fixing the time for the report of the trustees of the Indiana Asylum for educating the deaf and dumb.

A message from his Excellency, the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed to inform the Senate, that his Excellency the Governor did, on yesterday, approve and sign the following bills, to-wit:

No. 69. An act changing the time of holding courts in the 11th judicial circuit;

No. 57. An act to create the thirteenth judicial circuit, and to change the time of holding courts in the third judicial circuit. Both of which originated in the Senate.
January 19, 1847.

No. 357. (House.) A joint resolution in regard to the hospital for the insane;

Was read a third time.

On the passage of said joint resolution,

The ayes and noes being demanded by Messrs. Montgomery and Handy,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Monroe, Bowers, Bradbury, Chenowith, Clements, Conner, Davis, Day, Ellis, English, Goodenow, Hamer, Henry, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Rockhill, Simpson, Stockwell, Verbribe, and Winchell—28.

Those who voted in the negative are,

Messrs. Berry of Franklin, Coats, Edmonston, Handy, Hardin,

Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Read, Taber, Waters, and Zenor—16.

So the joint resolution was passed.

No. 208. (Senate.) A bill to amend the general provisions respecting wills and testaments;

Was read a third time and passed.

No. 198. (Senate.) A bill to provide for the distribution of the three per cent. fund;

When last under consideration, the previous question had been moved and seconded.

The question now being,

"Shall the main question be now put?"

The ayes and noes were demanded thereon by two Senators; and,

Those who voted in the affirmative are,

Messrs. Beard, Bradbury, Coats, Davis, Ellis, Goodenow, Hamer, Hamrick, Handy, Hardin, Holloway, Logan, Milliken, Morgan, Murphey, Orth, Read, Robinson, Simpson, Stewart, Verbribe, and Zenor—22.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Monroe, Bowers, Chenowith, Clements, Conner, Day, Edmonston, English, Green, Henry, Howell, Jackson, Marsh, Miller, Milligan, Montgomery, Osborn, Rockhill, Stockwell, Taber, Waters, and Winchell—24.

So the Senate refused to have the main question put.

Mr. Montgomery moved to reconsider the vote by which the previous question was seconded.

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Monroe, Bowers, Chenowith, Clements, Coats, Conner, Edmonston, English, Green, Henry, Howell, Jackson, Logan, Montgomery, Osborn, Rockhill, Stockwell, Taber, Waters, and Winchell—23.

Those who voted in the negative are,

Messrs. Beard, Berry of Franklin, Bradbury, Davis, Day, Ellis, Goodenow, Hamer, Hamrick, Handy, Hardin, Holloway, Marsh, Miller, Milligan, Milliken, Morgan, Murphey, Orth, Read, Robinson, Simpson, Stewart, Verbribe, and Zenor—25.

So said vote was not reconsidered.

BILLS ON SECOND READING.

No. 356. A joint resolution in relation to holding a session of the supreme court of the U. S. west of the Allegheny mountains;

Read a second time and ordered to a third reading.

No. 365. (House.) A bill to locate a State road in the counties of Miami, Howard, and Madison;

Read a second time and ordered to a third reading.

No. 371. (House.) A bill to authorize the Governor to issue a patent for a certain tract of canal land;

Read a second time and ordered to a third reading.

No. 415. (House.) A bill in relation to a school district in Llangrange county;

Read a second time and ordered to a third reading.

No. 223. (Senate.) A bill supplementary to article 5, chapter 30, of the Revised Statutes;

Was read a second time.

Mr. Handy moved to lay the bill upon the table.

And the ayes and noes being demanded thereon by Messrs. Handy and Bowers,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Clements, Coats, Day, Edmonston, Green, Hamrick, Handy, Hardin, Holloway, Howell, Jackson, Marsh, Miller, Milligan, Montgomery, Rockhill, Stewart, Taber, and Zenor—21.

Those who voted in the negative are,

Messrs. Barbour, Beard, Bowers, Bradbury, Chenowith, Davis, Ellis, Goodenow, Hamer, Henry, Logan, Milliken, Morgan, Murphey, Orth, Osborn, Read, Robinson, Simpson, Stockwell, Verbriek, Waters, and Winchell—23.

So the bill was not laid upon the table.

On motion by Mr. Orth,

The bill was amended by striking out the second section;

And the bill, as amended, was then ordered to be engrossed for a third reading.

No. 201. (Senate.) A joint resolution providing for the public printing;

Was read a second time.

Mr. Hamrick moved to lay said joint resolution upon the table:

And the ayes and noes being demanded thereon by Messrs. Hamrick and Edmonston,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Marsh, Milliken, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, Winchell, and Zenor—26.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Miller, Milligan, Read, Rockhill, Stewart, Stockwell, Taber, and Waters—22.

So the joint resolution was laid upon the table.

No. 203. A bill (of the House) to authorize the Johnson circuit court to hold adjourned sessions thereof;

Which was read a second time; and,

On motion by Mr. Hardin,

Laid upon the table.

No. 210. A bill (of the Senate) to dissolve the bonds of matrimony existing between Boyles Copher and Wealthy Copher;

Which was read a second time, and ordered to be engrossed for a third reading.

No. 217. A bill (of the Senate) giving jurisdiction to justices of the peace in certain criminal causes;

Which was read a second time.

Mr. Osborn moved to amend the bill by striking out the sixth section.

Mr. Orth moved to refer the bill and amendment to the committee on the judiciary;

Which motion prevailed.

Mr. Robinson proposed to instruct said committee as follows:

Insert immediately after "1843," in the tenth line of the first section, the following words:

"And sections 92, 93, and 94, of article 3, of chapter 16, of the Revised Statutes of 1843."

Mr. Osborn moved to amend by instructing said committee to report the bill to-morrow morning.

Which was adopted;

And the instructions, so amended, were adopted.

Mr. Rockhill, on leave given, introduced,

No. 268. A bill to declare a certain act in force;

Which was read a first time.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a second time.

On motion,

The bill was laid upon the table.

Mr. Marsh, on leave given, presented the petition of —; which,

On motion,

Was laid on the table.

Mr. Stockwell moved for and obtained leave to withdraw from the files No. 353.

Mr. Edmonston moved that said bill be made the special order of the day for to-morrow, at ten o'clock, A. M.

Which motion prevailed;

And said bill was so made the special order at said time.

Mr. Murphey, on leave given, introduced,

No. 269.

Which was read a first time.

On motion by Mr. Murphey,

The rules were suspended, and the bill read a second and third times and passed.

No. 218. A bill (of the Senate) to repeal a part of an act therein named;

Which was read a second time.

Mr. Miller moved to lay the bill on the table;

Which motion prevailed.

Mr. Logan, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of William Shanks and others, citizens of Washington county, requesting the repeal of the law confining voters to their respective townships, so far as relates to the said county of Washington, report that they have, according to order, had the same under their consideration, and a majority of said committee have directed me to report the following bill to the Senate, and recommend its passage:

No. 270.

Which was read a first time.

On motion by Mr. Logan,

The rules were suspended, and the bill read a second time.

Mr. Morgan moved to refer the bill to the committee on elections;

Which motion did not prevail.

Mr. Murphey, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report, that on the 18th day of January, 1847, they presented to his Excellency the Governor, for his approbation and signature, bills of the House Nos. 184, 174, 80, 108, 137, 180, 186, 160, 76, 79, 67, 111, 296, and 62.

Mr. Ellis moved to indefinitely postpone said bill; and,
The ayes and noes being demanded thereon by Messrs. Rockhill and Logan,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Chenowith, Coats, Coffin, Davis, Edmonston, Ellis, Goodenow, Green, Hamer, Handy, Henry, Holloway, Howell, Marsh, Milliken, Morgan, Montgomery, Murphey, Osborn, Rockhill, Simpson, Stewart, Stockwell, Verbriek, and Waters—27.

Those who voted in the negative are,

Messrs. Allison, Barbour, Bowers, Clements, Day, English, Hamrick, Hardin, Jackson, Logan, Miller, Milligan, Read, Robinson, Taber, Winchell, and Zenor—17.

So said bill was indefinitely postponed.

Mr. Berry of Franklin, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 258, entitled "A bill to incorporate the Fort Wayne and Goshen Turnpike Road Company," have had that subject under consideration, and have directed me to report it back to the Senate, and recommend its passage.

No. 258.

On motion by Mr. Berry of Franklin,

The rules were suspended, and the bill read a third time and passed.

Mr. Robinson, on leave given, offered the following resolution:

Resolved, That the Senate will, the House concurring therein, go into the election of a President Judge for the thirteenth judicial circuit, and State Printer, on to-morrow evening, at seven o'clock, P. M.

Mr. Stewart moved to amend said resolution by inserting "State Printer;"

Which was accepted as a modification by Mr. Robinson.

Mr. Montgomery moved to lay the resolution as modified on the table; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Monroe, Clements, Coats, Day, Edmon-
65 S

ston, English, Hamrick, Henry, Howell, Montgomery, Rockhill, Stockwell, Taber, and Waters—15.

Those who voted in the negative are,

Messrs. Barbour, Beard, Berry of Franklin, Bowers, Bradbury, Chenowith, Conner, Davis, Ellis, Goodenow, Green, Hamer, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Osborn, Read, Robinson, Simpson, Stewart, Verbrike, Winchell, and Zenor—31.

So said resolution was not laid on the table.

Mr. Edmonston moved to amend said resolution by inserting "Friday next."

Mr. Robinson moved to lay the amendment of Mr. Edmonston on the table; and,

The ayes and noes being demanded thereon by Messrs. Robinson and Stewart,

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Bowers, Bradbury, Conner, Davis, Ellis, Goodenow, Green, Hamer, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milliken, Morgan, Murphey, Orth, Osborn, Read, Robinson, Simpson, Stewart, Verbrike, Waters, and Winchell—29.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Day, Edmonston, English, Hamrick, Henry, Howell, Milligan, Montgomery, Rockhill, Stockwell, Taber, and Zenor—18.

So said amendment of Mr. Edmonston was laid on the table.

Mr. Edmonston moved to adjourn.

And the ayes and noes being demanded thereon by Messrs. Edmonston and Stewart,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Day, Edmonston, English, Hamrick, Henry, Howell, Milligan, Montgomery, Read, Rockhill, Stockwell, Taber, and Zenor—19.

Those who voted in the negative are,

Messrs. Barbour, Beard, Bowers, Bradbury, Conner, Davis, Ellis, Goodenow, Green, Hamer, Handy, Hardin, Holloway, Jackson, Logan,

Marsh, Milliken, Morgan, Murphey, Orth, Osborn, Robinson, Simpson, Stewart, Verbrike, and Winchell—26.

So said motion did not prevail.

Mr. Montgomery moved to amend the resolution by striking out "State Printer."

Mr. Orth moved the previous question;

Which was seconded.

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then being upon the adoption of said resolution,

And the ayes and noes being demanded thereon by Messrs. Edmonston and Stewart,

Those who voted in the affirmative are,

Messrs. Beard, Bowers, Bradbury, Conner, Davis, Ellis, Goodenow, Green, Hamer, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Milliken, Morgan, Murphey, Orth, Osborn, Read, Robinson, Simpson, Stewart, Verbrike, Winchell, and Zenor—27.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Day, Edmonston, English, Hamrick, Henry, Howell, Milligan, Montgomery, Rockhill, Stockwell, and Taber—18.

So said resolution was adopted.

Mr. Orth moved to have 250 copies of the bill of the House No. 353. A bill supplementary to an act to provide for the funded debt, &c., printed.

Which was ordered.

No. 205. (House.) A bill for the improvement of the river Patoka, in Gibson county;

Which was read a second time.

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a third time and passed.

No. 222. (Senate.) A bill to amend an act entitled "An act to establish a free turnpike road in Jay county," approved January 13, 1846;

Which was read a second time; and,

On motion by Mr. Milligan,

The rules were suspended, and the bill read a third time and passed.

No. 228. (House.) A bill to relocate the State road from Rushville, in Rush county, to Laurel, in Franklin county;

Which was read a second time.

On motion by Mr. Morgan,

The bill was laid on the table.

No. 234. (House.) A bill to change the name of William Chill to that of William Darnell;

Which was read a second time.

On motion by Mr. Stewart,

The rules were suspended, and the bill read a third time and passed.

No. 235. (Senate.) A bill to amend an act to provide for the construction of a railroad from Martinsville, in Morgan county, to Franklin, in Johnson county;

Which was read a second time.

On motion by Mr. Parks,

The rules were suspended, and the bill read a third time and passed.

No. 335. (House.) A bill to amend the first article of the 50th chapter of the Revised Statutes of 1843;

Which was read a second time and ordered to a third reading.

No. 266. (House.) A bill to improve the Michigan road in Carroll county;

Which was read a second time; and,

The rules being suspended, was read a third time and passed.

No. 269. (House.) A bill to amend an act entitled "An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike," approved January 31, 1842;

Which was read a second time; and,

On motion by Mr. Edmonston,

The rules were suspended, and the bill read a third time and passed.

No. 278. (House.) A bill in relation to roads and highways in Lagrange county;

Which was read a second time; and,

On motion by Mr. Handy,

The rules were suspended, and the bill read a third time and passed.

No. 280. (House.) A bill to legalize the acts of Robert Leffler as school commissioner of Harrison county;

Which was read a second time; and,

The rules being suspended, was read a third time and passed.

No. 287. (House.) A bill for the relief of lessees of water power at Wabash dam No. 4, in Carroll county;

Which was read a second time and ordered to a third reading.

No. 288. (House.) A bill to relocate the State road from Rushville, in Rush county, to Laurel, in Franklin county;

Which was read a second time; and,

The rules were suspended, and the bill read a third time and passed.

No. 301. (House.) A bill relative to road tax in Laporte county; Which was read a second time; and, The rules were suspended, and the bill read a third time and passed.

No. 334. (House.) A bill to provide for the improvement of county libraries;

Which was read a second time; and,

On motion by Mr. Hardin,

Was referred to the committee on education.

On motion,

The Senate adjourned.

WEDNESDAY MORNING, JANUARY 20, 1847.

The Senate assembled.

On motion,

The reading of the journal of the preceding day was dispensed with.

Leave being granted,

Mr. Conner reported from a select committee,

No. 360. (House.) A bill fixing a certain annual compensation to the auditor of Boone county;

On motion by Mr. Conner,

The rules were suspended, and the bill read a third time and passed.

Mr. Goodenow, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the Senate No. 245, entitled "A bill to amend the law regulating the vending of clocks," have had the same under consideration, and have directed me to report that, in the opinion of the committee, legislation on that subject is inexpedient.

Which report was concurred in.

Mr. Parks, chairman of the committee on finance, made the following report:

MR. PRESIDENT :

The committee on finance, to whom was referred a resolution of the Senate to inquire into the expediency of reporting a bill to refund to the several Branches of the State Bank of Indiana the several amounts advanced by them to aid in transporting the volunteers to New Albany, have, according to order, had the same under consideration, and have instructed me to report the following bill, and recommend its passage :

No. 271. A bill to refund to the several Branches of the State Bank of Indiana the amounts advanced by them to aid in transporting the volunteers to New Albany ;

Which was read a first time, and

On motion by Mr. Parks,

The rules were suspended and the bill read a second and third times and passed.

Mr. English, from the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred Senate bill No. 196, defining the duty of State Agent, have had the same under consideration, and have directed me to report the same back with the following amendment, and on the adoption of which, to recommend its passage :

Amend by adding the following section :

SEC. 2. In case the act providing for the funded debt of the State and for the completion of the Wabash and Erie canal shall go into effect, it shall be lawful for the Agent of State to employ such assistance in taking in and cancelling the bonds that may be surrendered and issuing certificates therefor, as may be required in the performance of that duty ;

Which report was concurred in and the amendment adopted.

On motion by Mr. English,

The rules were suspended and the bill as amended read a third time and passed.

Mr. Winchell, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The judiciary committee, to whom was referred House bill No. 243, have had the same under consideration, and have directed me to report the same back to the Senate with the following amendments, and when so adopted, recommend its passage.

Amend by striking out the words "Treasurer of State," where they occur in said bill, and insert in their place "treasurer of Delaware county ;"

Which report was concurred in and the amendment adopted.

On motion by Mr. Winchell,

The rules were suspended and the bill as amended read a third time and passed.

Mr. Robinson, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The judiciary committee, to whom was referred bill of the Senate No. 237, entitled "An act to amend chapter 48, article 4, of the Revised Statutes of 1843 in relation to writs of *scire facias*," have, according to order, had the same under consideration, and have directed me to report that in the opinion of said committee, legislation on that subject is inexpedient, and said committee recommend that said bill be indefinitely postponed ;

Which report was concurred in, and the bill accordingly indefinitely postponed.

Mr. Davis, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to which was referred bill of the Senate No. 224, in relation to the publication of certain laws therein named, have had the same under consideration, and have made two amendments thereto, upon the adoption of which they respectfully recommend the passage of said bill :

1st amendment. In the third section of said bill strike out "*One for the county Recorder.*"

2d amendment to the same section. In third line insert "*two*" in place of "*one* ;"

Which report was concurred in and the amendments adopted.

On motion by Mr. Davis,

The rules were suspended and the bill read a third time and passed.

On motion by Mr. Handy,

The vote was re-considered by which said bill was passed.

The question then recurring upon the passage of the bill,

The ayes and noes were demanded by Messrs. Davis and Handy.

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Bowers, Chenowith, Clements, Coffin, Davis, Edmonston, Ellis, Goodenow, Hamer, Henry, Holloway, Murphey, Orth, Osborn, Read, Rockhill, Simpson, Stockwell, Taber, Waters, Winchell, and Zenor—25.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Bradbury, Coats, Conner, Day, English, Green, Hamrick, Handy, Hardin, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Montgomery, Parks, Robinson, Stewart, and Verbriek—24.

So the bill was passed.

Mr. Milligan, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared and examined Senate bills Nos. 112, 54, 101, 65, and 116, and find them correctly enrolled.

Mr. Henry, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 332, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be laid on the table;

Which report was concurred in, and the bill accordingly laid upon the table.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House No. 321, entitled "An act authorizing the canal commissioners to credit and receipt for moneys heretofore paid by purchasers of Wabash and Erie canal lands," have had the same under consideration, and have instructed me to report the same back to the Senate, and respectfully recommend its passage.

On motion by Mr. Orth,

The rules were suspended and the bill read a third time and passed.

Mr. Clements, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate No. 170, entitled "A bill to attach additional territory to the county of Crawford and for other purposes," have had the same under consideration, and have directed me to report the same back, and recommend that legislation is inexpedient on that subject.

On concurring in said report,

The ayes and noes were demanded by Messrs. Miller and Zenor.

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bradbury, Chenowith, Clements, Davis, Goodenow, Hamer, Hamrick, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Taber, Verbriek, Winchell, and Zenor—20.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Coffin, Conner, Day, Edmonston, Ellis, Green, Handy, Henry, Holloway, Howell, Jackson, Logan, Marsh, Miller, Milligan, Parks, Read, Rockhill, Stewart, Stockwell, and Waters—26.

So the report was not concurred in.

Mr. Miller moved that there be a call of the Senate,

Which was ordered; and the absentees sent for.

All the Senators appearing in their seats,

The further call was suspended.

The question then recurring upon the engrossment of said bill,

The ayes and noes were demand by Messrs. Zenor and Miller; and,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Read, Rockhill, Stewart, Stockwell, and Waters—22.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Robinson, Simpson, Taber, Verbriek, Winchell, and Zenor—26.

So the bill was not ordered to be engrossed.

Leave being granted,

Mr. Green presented the petition of Lewis H. Pepper and others, for the relief of the heirs of Abraham Hoover; which,

On motion by Mr. Green,

Was referred to the committee on the judiciary.

Leave being granted,

Mr. Ellis, chairman of a select committee, made the following report:

MR. PRESIDENT:

A majority of the select committee to which had been referred House bill No. 110, relative to the time of holding courts in the 7th judicial circuit, have instructed me to report the same back with the following amendments, and upon their adoption, to recommend its passage.

Insert the following sections:

SEC. 2. That the February term of the Knox probate court shall hereafter commence its session on the first Monday in February, instead of the second Monday, as now required by law.

SEC. 6. That it shall be the duty of the Secretary of State to transmit a copy of this act, duly certified, to the several clerks of the circuit courts in said circuit, and to cause the same to be published in the "Indiana State Sentinel," and the "Indiana Journal."

Strike out section five, and insert in lieu thereof,

SEC. 7. This act shall take effect and be in force from and after its passage.

Mr. Ellis moved to lay the bill and pending amendments upon the table;

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Bradbury, Conner, Ellis, Goodenow, Hamer, Holloway, Morgan, Murphey, Orth, Parks, Robinson, Simpson, Stewart, Taber, Verbriek, and Zenor—17.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Bowers, Chenowith, Clements, Coats, Coffin, Day, Edmonston, English, Green, Hamrick, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Montgomery, Osborn, Read, Stockwell, and Waters—27.

So the bill and amendments were not laid upon the table.

Mr. Ellis then moved to amend the amendments by providing for

striking out the words "third Monday," wherever they occur in said bill, and insert "fourth Monday" in lieu thereof.

Mr. Henry moved to lay said amendment upon the table.

And the ayes and noes being demanded thereon by Messrs. Ellis and Henry,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Bowers, Chenowith, Clements, Coats, Coffin, Day, Edmonston, English, Green, Hamrick, Handy, Hardin, Henry, Howell, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Montgomery, and Parks—26.

Those who voted in the negative are,

Messrs. Bradbury, Conner, Davis, Ellis, Goodenow, Hamer, Holloway, Murphey, Orth, Osborn, Read, Robinson, Simpson, Stewart, Stockwell, Taber, Waters, Winchell, and Zenor—19.

So the amendment was laid upon the table.

The question then recurring upon concurring in the report of the committee,

It was decided in the affirmative, and the amendments were adopted.

The bill, as amended, was ordered to a third reading.

Leave being granted,

Mr. Berry of Franklin, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens, praying that those persons who lost their property by the late freshet and have not paid their taxes for the year 1846, be released from the payment of such taxes, have had that subject under consideration, and directed me to report the following bill, and recommend its passage.

No. 272. A bill for the relief of those who suffered loss by the late freshets;

Which was read a first time.

On motion by Mr. Berry of Franklin,

The rules were suspended and the bill read a second time.

Mr. Milliken moved to refer the bill to the committee on finance;

Which motion did not prevail.

The bill was then ordered to be engrossed for a third reading.

Leave being granted,

Mr. Hamer, chairman of select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred joint resolution of the Senate No. 247, on the subject of revising the law in regard to calling a convention to revise or amend the constitution of this State, have had the same under consideration, and a majority of the committee have directed me to report the same back without amendment, and recommend its passage.

The question being,

"Shall the joint resolution be engrossed for a third reading?"

The ayes and noes were demanded thereon by Messrs. Read and Orth; and,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Bowers, Coats, Davis, Day, Edmonston, English, Green, Hamer, Handy, Hardin, Henry, Howell, Jackson, Logan, Miller, Milligan, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Stockwell, Taber, Verbrake, and Waters—29.

Those who voted in the negative are,

Messrs. Allison, Beard, Bradbury, Chenowith, Clements, Coffin, Conner, Ellis, Goodenow, Hamrick, Holloway, Marsh, Morgan, Murphey, Orth, Robinson, Simpson, Stewart, Winchell, and Zenor—20.

So said joint resolution was ordered to be engrossed for a third reading.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the Senate:

No. 54. An act to correct a mistake in the enrolling and publishing an act to amend the several acts now in force relative to the New Albany and Vincennes road," approved January 19, 1846;

No. 65. An act to incorporate the grand and subordinate divisions of the order of the Sons of Temperance of the State of Indiana;

No. 101. An act to amend an act to incorporate the Lafayette Bridge Company;

No. 112. An act to legalize the transfer of a certain canal land certificate;

No. 116. An act to incorporate the trustees of the Fort Wayne Female College;

Which I am directed to bring to the Senate for the signature of the President thereof.

Which were accordingly signed by the President.

The Senate then proceeded to the consideration of the special order of the day, being

No. 353. A bill (of the House) supplementary to "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19, 1846;

Which was read a second time.

Mr. Edmonston offered the following amendment:

Amendment P, to the 19th section of this act.

After the words "due and unpaid," and before the words "*Provided, however,*" in the 11th section of the original act, insert the following:

"Or any actual settler and occupant of any of the lands hereby, or by the said original act, authorized to be conveyed, shall have the right and privilege by paying for the same in hand, to purchase such tract of land at one dollar and twenty-five cents per acre."

Pending which amendment,

On motion,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Mr. Orth moved that there be a call of the Senate.

Which was ordered.

And the absentees were sent for.

All the Senators appearing in their seats,

On motion by Mr. Read,

The further call was suspended.

The question recurred upon the adoption of the amendment of Mr. Edmonston, to bill of the House No. 353, pending at the adjournment.

Mr. Marsh moved to amend said amendment as follows:

Amend by striking out from the enacting clause, and insert the following:

SEC. 1. That the act, entitled "An act to provide for the funded debt of the State of Indiana and for the completion of the Wabash

and Erie Canal to Evansville," approved January 19th, 1846 be, and the same is hereby revived and declared to be in full force for acceptance on the part of the public creditors of the State—and that the time for such acceptance be, and the same is hereby extended to the first day of December, 1847: *Provided, however,* That so much of the eighth section of the above recited act, as gives to the subscribers a priority of payment of the interest on the principal of their bonds thus surrendered, is hereby excepted from this act of revivor, and held to be null and of no force.

SEC. 2. This act to be in force from and after its passage, and to show to the world that the people of Indiana are willing to meet the public creditors upon the principles of the above recited act, which was adopted to the views of said creditors, as represented by their authorized agent—it is hereby made the duty of the Secretary of State to cause notice of such intention to be given by publication in some of the newspapers of New York, London, Amsterdam, and Paris.

Mr. Orth demanded a division of the question.

The question recurring upon "striking out,"

The ayes and noes were demanded thereon by Messrs. Orth and Edmonston:

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Bradbury, Conner, Day, Ellis, Goodenow, Green, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Taber, Waters, and Winchell—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbribe, and Zenor—24.

The President gave the casting vote in the negative;

And the Senate refused to strike out.

Mr. Milligan asked leave to record his vote.

Which was not granted.

Mr. Miller then offered the following as an amendment to the amendment proposed by Mr. Edmonston:

SEC. —. That the lands acquired by grant from the General Government, by an act, entitled "An act to grant certain lands to the State of Indiana the better to enable the said State to extend and complete the Wabash and Erie Canal from Terre Haute to the Ohio river," approved March 3, 1845, shall be sold and disposed of under the provisions of this act and the act to which this is an amendment,

at such price per acre as may be fixed, from time to time, in said Vincennes land district, and the adjoining districts, by Congress for the lands of the United States.

On the adoption of said amendment,

The ayes and noes being demanded by two Senators:

Those who voted in the affirmative are,

Messrs. Barbour, Bradbury, Conner, Day, Ellis, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Taber, Verbribe, Waters, and Winchell—23.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Goodenow, Green, Hamer, Hamrick, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, and Zenor—25.

So the amendment was not adopted.

The question then recurring upon the adoption of the amendment proposed by Mr. Edmonston,

And the ayes and noes being demanded thereon by Messrs. Orth and Edmonston,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Conner, Davis, Day, Edmonston, English, Green, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Marsh, Miller, Milligan, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Taber, Verbribe, and Waters—35.

Those who voted in the negative are,

Messrs. Beard, Bowers, Bradbury, Ellis, Goodenow, Holloway, Logan, Milliken, Morgan, Murphey, Orth, Robinson, Winchell, and Zenor—14.

So the amendment was adopted.

A message was received from the House of Representatives by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills and joint resolutions thereof:

No. 187. An act to incorporate the Kosciusko Medical Society of Kosciusko county, Indiana;

No. 225. An act to compel non-residents to pay a road tax equal to that of residents;

No. 217. An act fixing the time of holding the terms of the probate courts in the county of Marion;

No. 248. An act to authorize the location and establishment of a State road from Salem, in Washington county, by Lawrenceport on White river, to Bedford, in Lawrence county;

No. 286. An act to establish and relocate a State road in Vigo county;

No. 255. A joint resolution relative to the public lands in the county of Gibson;

No. 291. An act to incorporate the town of Muncie in Delaware county;

No. 235. An act to legalize the acts of the board of county commissioners of Sullivan county, and the auditor thereof, and for other purposes;

No. 340. An act to legalize the marriage of William Howell and Mary Howell;

No. 423. An act to change the time of holding the probate court in Ripley county;

No. 305. An act to locate a State road between the counties of Noble and Lagrange.

No. 345. A joint resolution to authorize the making of estimates for the completion of the new State Prison and other buildings;

No. 289. An act to amend an act, entitled "An act relative to leveeing the Wabash river on Shaker Prairie," approved January 14, 1846.

No. 337. An act to authorize settlers on public lands to petition for county roads;

No. 214. An act to amend section 128, chapter 16, of the Revised Statutes of 1843;

No. 222. An act to amend section 414 of chapter 40 of the Revised Statutes of 1843, relative to the advertising of real estate at sheriff's sale;

No. 316. An act to authorize the citizens of Wabash county to build a Free Bridge at Wabash dam No. 2, in said county;

No. 274. An act to amend the 144th section of the 30th chapter of the Revised Statutes of 1843.

Which I am directed to bring to the Senate for the signature of the President thereof.

Which were accordingly signed by the President of the Senate.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have reciprocated the resolution of the Senate, providing for going into the election of a President Judge for the thirteenth judicial circuit, and State Printer, this evening, at seven o'clock, P. M.

Mr. Milligan, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have examined and compared Senate bill No. 72, and find it correctly enrolled.

Mr. Jackson offered the following amendment to said bill No. 353:

SEC. — *Be it further enacted*, That for the purpose of better securing to the holders of Indiana internal improvement bonds, the full payment of the principal and interest due thereon, the State of Indiana hereby transfers to said trustees by this act constituted, the entire line of the Central Canal, from the feeder dam in Delaware county to the feeder dam in Morgan county, both inclusive, with all its appurtenances, rights, water-rents, &c., now held by the State on and to said canal, and the proceeds arising from said Central Canal shall be applied in the same manner as the proceeds of the Wabash and Erie canal are applied by the above provisions of this act: *Provided*, The said trustees shall simultaneously with the said Wabash and Erie canal, prosecute to final completion the said Central Canal to the extent named in this section.

SEC. — That the provisions of this act shall apply to the Central Canal with the same power, effect, and influence as they do to the Wabash and Erie canal, and in the same manner as though the said canals were one work: *And be it further provided*, That in case said trustees shall fail to complete said Central Canal in the space of six years, this act, to all intents and purposes, shall be void.

Mr. Parks moved to amend said amendment, by striking out from the enacting clause, and inserting the following:

Amendment C.

SEC. — It shall be further lawful for any of said bondholders, and they are hereby authorized, to raise by subscription at any time within two years from the taking effect of this act, a sufficient sum, not less however than five hundred thousand dollars, to complete the Central Canal from Andersontown, in Madison county, to intersect the Wabash and Erie canal, at or near the mouth of Eel river, and upon subscribing and promising to pay said amount, to be expended in the completion of said canal, or so much thereof as may be needed, and to be advanced from time to time, in such sums as shall

insure the completion of said canal in six years from the taking effect of this act, and paying to the trustees the aforesaid sum —, on and towards the amount of said subscription to said canal, and the tolls and water-rents thereof shall be conveyed and assigned to said trustees in trust and security as follows, viz:

First. Out of the rents, tolls, and revenues of said canal, after defraying all current expenses of repairs and attendance, to pay the parties making such advances, interest at the rate of six per cent. per annum, on the sum or sums so advanced.

Second. To reimburse to such parties or their assignees the principal of the sum or sums so advanced. After the full and final payment of the sum or sums advanced as aforesaid for the completion of said canal, the nett tolls and revenues thereof shall be divided equally, and one moiety thereof shall be paid into the State Treasury, and the other moiety thereof shall be added to the tolls and revenues of the Wabash and Erie canal, and shall be applied to the purposes of said trust in the order hereinbefore provided, that is to say, first paying the interest in full to those holders of certificates of stock or their assignees, who shall have subscribed to the advance last aforesaid.

Sec. —. For the sum or sums from time to time advanced under the last preceding section of this act, the trustees aforesaid shall issue certificates of stock, verified as aforesaid, and shall take charge of said Central Canal, and be governed in all respects by the rules herein before prescribed in reference to the Wabash and Erie canal, so far as applicable and practicable.

Mr. Jackson moved to lay the amendment proposed by Mr. Parks upon the table; and,

The ayes and noes being demanded thereon by Messrs. Jackson and Parks,

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Bowers, Bradbury, Clements, Conner, Day, Ellis, Goodenow, Green, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Murphey, Orth, Osborn, Robinson, Rockhill, Simpson, Stewart, Taber, Verbriek, Waters, and Winchell—31.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Chenowith, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Henry, Howell, Montgomery, Parks, Read, Stockwell, and Zenor—18.

So the amendment was laid upon the table.

Mr. Montgomery then moved to lay Mr. Jackson's amendment upon the table.

Mr. Conner moved to amend the motion by including therein the bill.

Mr. Edmonston called for a division of the question.

The question recurring upon laying the amendment upon the table; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Henry, Howell, Miller, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, and Zenor—24.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Bowers, Bradbury, Conner, Day, Ellis, Goodenow, Green, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Taber, Waters, and Winchell—25.

So the amendment was not laid upon the table.

The question then recurring upon the adoption of said amendment; and,

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Bradbury, Conner, Day, Ellis, Goodenow, Green, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Taber, Waters, and Winchell—24.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Henry, Howell, Milliken, Montgomery Osborn, Parks, Read, Simpson, Stockwell, Verbriek, and Zenor—24.

The President gave the casting vote in the affirmative;

And the amendment was adopted.

Mr. Goodenow then proposed the following amendment to the bill:

Amend the tenth section, by striking out all after the word "fifthly," in the thirty-sixth line, to the end of the fifty-eighth line, and insert:

"In payment in full of interest to the holder of any other certificates of stock by the said act directed to be issued, or their assigns, at and after the rate of five per cent. per annum."

Mr. Hamrick moved to lay said amendment upon the table;

Pending which motion,

Mr. Barbour, by leave of the Senate, offered the following resolution:

Resolved, That when the Senate adjourns, it will adjourn to meet at seven o'clock this evening.

Which was adopted; and,

On motion,

The Senate adjourned until seven o'clock, P. M.

7 o'clock, P. M.

Senate met.

Mr. Davis moved that there be a call of the Senate;

Which was ordered;

And the absentees were sent for.

Mr. Berry of Monroe moved that the further call of the Senate be suspended; and,

The ayes and noes being demanded thereon by Messrs. Hardin and Coffin,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Chenowith, Coats, Coffin, Edmonston, English, Green, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Osborn, Parks, Read, Rockhill, Stockwell, Taber, and Waters—26.

Those who voted in the negative are,

Messrs. Allison, Beard, Bowers, Bradbury, Clements, Conner, Davis, Ellis, Goodenow, Montgomery, Murphey, Orth, Robinson, Simpson, Stewart, Verbriek, and Zenor—17.

So the further call of the Senate was suspended.

The following message was received from the House of Representatives, by Mr. Williams, their assistant clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have adopted the following resolution:

Resolved, That the Senate be invited to attend instant in the Hall of the House for the purpose of going into the election of State

Printer and President Judge of the 13th judicial circuit, and that seats be provided for them on the right of the Speaker's chair.

The President appointed Messrs. Robinson and Milliken tellers on the part of the Senate.

Mr. Osborn moved to reconsider the vote by which the further call of the Senate was suspended.

Which motion did not prevail.

The Senate then repaired to the Hall of the House of Representatives, and proceeded, in conjunction with the House, to the election of President Judge for the 13th judicial circuit.

And upon counting the first balloting it appeared that,

George H. Dunn received	-	-	-	-	-	57 votes.
Andrew Davison received	-	-	-	-	-	48 votes.
George Holland received	-	-	-	-	-	42 votes.
Blank,	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the convention proceeded to a second balloting.

And upon counting the same it appeared that,

George H. Dunn received	-	-	-	-	-	65 votes.
Andrew Davison received	-	-	-	-	-	48 votes.
George Holland received	-	-	-	-	-	34 votes.
Blank,	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the convention proceeded to a third balloting.

And upon counting the same it appeared that,

George H. Dunn received	-	-	-	-	-	74 votes.
Andrew Davison received	-	-	-	-	-	46 votes.
George Holland received	-	-	-	-	-	27 votes.
Blank,	-	-	-	-	-	1 vote.

No gentleman having received a majority of all the votes given, the convention proceeded to a fourth balloting.

And upon counting the same it appeared that,

George H. Dunn received	-	-	-	-	-	77 votes.
George Holland received	-	-	-	-	-	67 votes.
Blank,	-	-	-	-	-	3 votes.

Mr. Dunn having received a majority of all the votes given, the President declared him to be duly elected President Judge for the 13th judicial circuit, to serve as such for seven years from and after his qualification as such Judge.

The convention then proceeded to the election of a State Printer by a joint *viva voce* vote; and,

Those who voted for John D. Defrees are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbriek, Winchell, Zenor, Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Ferguson, Fry, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian, Kerr, Lutz, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Thomas, Thompson, Trimble, Watts, Wise, Yaryan, and Mr. Speaker—75.

Those who voted for Jacob P. Chapman are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, Waters, Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Hicks, Holman, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Se-crest, Shields, Sleeth, Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—72.

Mr. Tait voted for Mr. Covington.

Mr. Defrees having received a majority of all the votes given, the President declared him to be duly elected State Printer, to serve as such for the term of three years, from and after the expiration of the term of service of the present incumbent.

The senators then returned to their chamber; and,

On motion,

The Senate adjourned.

THURSDAY MORNING, JANUARY 21, 1847.

The Senate assembled.

The journal of the preceding day was read.

Mr. Osborn offered the following resolution:

Resolved, That the facts now before the Senate in relation to the vote of Mr. Berry of Franklin prove that, on the motion to lay on the table the amendment proposed by Mr. Jackson to House bill No. 353, was given in the affirmative, and not in the negative, and ought to have been so recorded. Therefore, the Secretary of the Senate is hereby directed to have the journal corrected accordingly.

Mr. Stewart moved that there be a call of the Senate;

Which was ordered, and the absentees were sent for.

On motion,

Mr. Taber was excused from attendance on account of sickness.

The other absentees appearing in their seats, the further call was suspended.

The question then recurring upon the adoption of the resolution, The ayes and noes were demanded by two senators; and,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Stockwell, and Zenor—22.

Those who voted in the negative are,

Messrs. Barbour, Bowers, Bradbury, Conner, Day, Ellis, Goodenow, Green, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Simpson, Stewart, Verbriek, Waters, and Winchell—26.

So the resolution was not adopted.

Mr. Ellis moved to suspend the rules, to allow him to make a motion to reconsider a vote.

Which motion prevailed.

Mr. Ellis then moved to reconsider the vote by which was indefinitely postponed,

No. 270. (Senate.) A bill to repeal an act entitled "An act to confine voters to their respective townships," approved January 13, 1845, so far as relates to Washington county;

Which motion prevailed.

Mr. Ellis then withdrew the motion to indefinitely postpone said bill, and moved that it be referred to the committee on elections; Which motion prevailed.

Mr. Hardin moved to instruct said committee to so amend the bill as to include therein the county of Johnson.

Mr. Read called for a division of the question.

The question recurring upon instructing said committee, It was decided in the negative.

Mr. Berry of Monroe moved to suspend the previous order of business, and take up for consideration,

No. 353. (House.) A bill supplementary to "an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19, 1846.

And the ayes and noes being demanded on said motion by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Henry, Howell, Miller, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Stockwell, Verbrike, and Zenor—26.

Those who voted in the negative are,

Messrs. Barbour, Bowers, Bradbury, Conner, Day, Ellis, Goodenow, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Milligan, Morgan, Murphey, Orth, Robinson, Simpson, Stewart, Waters, and Winchell—22.

So the previous order of the day was suspended, and the bill taken up.

Mr. Hamrick then withdrew his motion to lay the amendment proposed by Mr. Goodenow, and pending at the last adjournment, upon the table.

The question then recurred upon the adoption of the amendment proposed by Mr. Goodenow.

Pending which,

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Mr. Stewart moved that there be a call of the Senate, Which was not ordered.

Mr. Milligan, from the committee on enrolled bills, made the following reports:

MR. PRESIDENT:

The committee on enrolled bills have examined and compared the following bills which originated in the Senate: Nos. 13, 186, 91, 194, 47, and 106, and find them correctly enrolled.

MR. PRESIDENT:

The committee on enrolled bills have examined and compared the Senate bills Nos. 109, 126, 187, 150, 197, 124, 128, 149, and 155, and find them correctly enrolled.

The following message was received from his Excellency, the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate, that he did, on this day, approve and sign the following bills, to-wit:

No. 116. An act to incorporate the trustees of the Fort Wayne Female College;

No. 101. An act to amend an act to incorporate the Lafayette Bridge Company;

No. 112. An act to legalize the transfer of certain canal land certificates;

No. 54. An act to correct a mistake in the enrolling and publishing "an act to amend the several acts now in force relative to the New Albany and Vincennes Road," approved January 19, 1846;

All of which originated in the Senate.

January 21st, 1847.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report, that on the 22d day of
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January, 1847, they presented to his Excellency, the Governor, for his approval and signature, bills of the House Nos. 187, 225, 217, 248, 286, 255, 291, 235, 240, 423, 305, 345, 289, 337, 214, 222, 316, and 274; and bills of the Senate Nos. 65, 101, 112, and 54.

The following messages from the House of Representatives, were received by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House of Representatives have concurred in the engrossed amendments of the Senate to the following engrossed bills and joint resolutions of the House, without amendment:

No. 15. An act to amend an act entitled, "an act fixing the time of holding the courts in the ninth judicial circuit," approved January 19, 1846;

No. 60. An act to fix the time of holding courts in the tenth judicial circuit;

No. 90. An act in relation to the service of subpœnas in chancery;

No. 95. An act to incorporate the Delphi Manufacturing Company;

No. 129. An act declaring a certain act therein named to be in force;

No. 136. An act exempting improvements on real estate from taxation in the counties of Kosciusko and Miami;

No. 142. An act requiring the supervisors of roads in Sullivan county to make report at the March term in each year, and for other purposes;

No. 168. A joint resolution praying confirmation of the selection of lands made in 1843, to aid in completing the Wabash and Erie Canal;

No. 178. An act to incorporate the Logansport and Wabash Free Bridge Company;

No. 181. An act for the protection of the property of married women;

No. 224. An act relative to granting letters of guardianship;

No. 237. An act to provide for the election of prosecuting attorneys by the people in the several counties;

No. 241. An act to amend an act entitled, "an act to incorporate the town of Columbus, in Bartholomew county, Indiana," approved February 6, 1839;

No. 253. An act to vacate certain alleys in the town of Greencastle, Putnam county;

No. 275. An act to incorporate the Greenfield and Shelbyville Railroad Company;

No. 281. An act relating to auditor's fees in Bartholomew county;

No. 342. An act to authorize Nelson Peck and Elmore H. Wilcox to continue a mill dam across the Iroquois river, in Jasper county.

MR. PRESIDENT:

I am directed by the House of Representatives to return to the Senate the following enrolled bill of the House, in compliance with the request of the Senate:

No. 75. An act entitled, "an act declaring a part of Salt Creek a public highway," approved February 13, 1840.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate without amendment:

No. 219. An act to amend an act, entitled "An act authorizing Joseph Quinn and James Norvell to erect toll bridges," approved January 13, 1845;

No. 246. An act to authorize the citizens of Carroll county to construct a side cut canal at Delphi;

No. 254. An act concerning the practice of the circuit court in the 13th judicial circuit, and repealing an act providing for a special term in Decatur county;

No. 255. A bill for the relief of Ninian Hoskins, jr.;

No. 260. A bill to change the name of Wesley P. Hitchcock to that of Wesley P. David;

No. 262. A bill granting to the citizens of Evansville, in the county of Vanderburgh, a city charter.

Mr. Handy moved that the Senate do now adjourn:

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Bowers, Bradbury, Conner, Day, Ellis, Goodenow, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Waters, and Winchell—23.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamrick, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbrake, and Zenor—22.

So the Senate adjourned.

FRIDAY MORNING, JANUARY 22, 1847.

The Senate assembled.

The journal of the preceding day was read.

On motion by Mr. Handy,

The rules were suspended, and the following message from the House of Representatives was taken up and considered:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill thereof:

No. 433. An act to amend an act, entitled "An act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer," approved January 28, 1842.

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time.

On motion by Mr. Handy,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Winchell, chairman of the committee on engrossed bills, made the following report:

MR. PRESIDENT:

The committee on engrossed bills have compared engrossed bill of the Senate No. 115, with the original and do find the same correctly engrossed.

Leave being granted,

Mr. Milliken offered the following resolution:

Resolved, That all debate shall cease after 12 o'clock this day upon the Butler bill.

Mr. Davis moved to amend the resolution by striking out all after the resolving clause, and inserting the following:

That the House of Representatives be requested to return to the Senate the message containing the resolution fixing the time for the final adjournment of the General Assembly.

Which was accepted by Mr. Milliken as a modification of his resolution.

Mr. Orth moved to postpone the consideration of said resolution, as amended, until this afternoon at two o'clock;

And the ayes and noes being demanded thereon by Messrs. Orth and Davis,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Bradbury, Conner, Day, Ellis, Goodenow, Hardin, Holloway, Logan, Marsh, Morgan, Murphey, Orth, Robinson, Winchell, and Zenor—17.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Handy, Henry, Howell, Jackson, Miller, Milligan, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Verbriek, and Waters—31.

And the consideration of said resolution was not so postponed.

Mr. Ellis then moved to postpone the consideration of said resolution, as amended, until to-morrow morning at 9 o'clock;

And the ayes and noes being demanded thereon by Messrs. Montgomery and Coffin,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Bradbury, Day, Ellis, Goodenow, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Milligan, Morgan, Murphey, Orth, Robinson, and Winchell—18.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Conner, Davis, Edmonston, English, Green, Hamer, Hamrick, Henry, Howell, Miller, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Verbriek, Waters, and Zenor—30.

So the consideration of said resolution was not so postponed.

Mr. Hamrick then moved the previous question,

Which was seconded by the Senate.

The question then being,

"Shall the main question be now put?"

The ayes and noes being demanded thereon by Messrs. Stewart and Handy,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Conner, Davis, Edmonston, English, Green, Hamer, Hamrick, Henry, Howell, Jackson, Miller, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Verbrake, Waters, and Zenor—31.

Those who voted in the negative are,

Messrs. Barbour, Bowers, Bradbury, Day, Ellis, Goodenow, Handy, Hardin, Holloway, Logan, Marsh, Milligan, Murphey, Orth, Robinson, and Winchell—17.

So the main question was ordered to be now put.

The main question being,

"Shall the resolution be adopted?"

The ayes and noes were demanded thereon by two Senators:

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Verbrake, and Zenor—26.

Those who voted in the negative are,

Messrs. Barbour, Bowers, Bradbury, Conner, Day, Ellis, Goodenow, Green, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Waters, and Winchell—22.

So the resolution, as amended, was adopted.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared engrossed bill of the Senate No. 158 with the enrolled, and find it correctly enrolled.

Mr. Milligan, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have examined and compared Senate bill No. 115, and find it correctly enrolled.

The following messages were received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills:

No. 254. An act to change the name of Eliza Ann Camden to Eliza Ann Sidwell;

No. 284. An act to provide for the further erection of the hospital for the insane and for other purposes connected therewith;

No. 244. An act to amend the charter of Cambridge City, Wayne county, Indiana;

No. 310. An act providing for the fees of the auditor of Hancock county;

No. 303. An act for the relief of the inhabitants of district No. 6, in township No. 2, north of range 2 east, in the counties of Orange and Washington;

No. 339. An act authorizing the probate judge of Fountain county to issue writs of habeas corpus and take acknowledgments of deeds;

No. 279. An act to extend the jurisdiction of justices of the peace in Lagrange county;

No. 312. An act to fix the time of holding courts in the eighth judicial circuit;

No. 368. An act to change the time of holding probate courts in the county of Parke;

No. 211. An act entitled "An act to repeal an act regulating road tax in the county of Jasper;"

No. 63. An act to regulate chancery practice;

No. 189. An act to authorize Gabriel Johnson to build a mill dam across the Mississinnewa river, in Grant county;

No. 341. An act to amend "An act giving the right to the voters of Marion county to decide as to authorizing licenses to retail spirituous liquors in their townships, approved January 19, 1846;"

No. 417. An act to provide for the holding of special terms of the circuit court in the county of Jefferson;

No. 262. An act to legalize the marriage of Celia Lowder and Henry Perdue, of Daviess county;

No. 180. An act to change the name of Anna James to that of Anna Churchman;

No. 268. An act to authorize the probate judge of Dearborn county to issue writs of *habeas corpus*;

No. 231. An act to legalize certain proceedings in the probate court of Allen county, Indiana;

No. 366. An act providing for the election of township assessors in Hancock county;

No. 300. An act for the relief of Henry Wells, sheriff of Lake county;

No. 206. An act in relation to road districts in the county of Huntington;

No. 218. An act to amend an act to extend the provisions of an act to Madison county;

No. 210. An act to legalize the election of trustees of the town of Vernon, Jennings county;

No. 197. An act to incorporate the "Institute of Fine Arts" at Bowling Green, Indiana;

No. 106. An act explanatory of a certain act therein named;

No. 109. An act defining the duties of county treasurers;

No. 239. An act to provide for electing supervisors by districts in the counties of Wabash and Boone;

No. 230. An act for the relief of the purchasers of the saline lands in Orange county;

No. 195. An act to locate a certain road therein named;

No. 213. An act to establish a certain State road therein named;

No. 202. An act to amend chapter I, of the Revised Statutes of 1843;

No. 177. A joint resolution for the reduction of the price of public lands to actual settlers;

No. 319. An act relative to grand jurors in the county of Washington;

Which I am directed to bring to the Senate for the signature of their President.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills and joint resolutions of the Senate without amendment:

No. 141. An act to vest the title to land in the heirs, devisees, or assignees of the purchasers of lands in certain cases where said purchaser has died or shall hereafter die before the date of the patent or deed of conveyance;

No. 10. An act relative to the printing of certain laws therein named;

No. 152. An act to abolish the office of justice of the peace in Yorktown, Delaware county, Indiana;

No. 146. An act to amend an act entitled "An act to incorporate the Richmond Turnpike Company," approved January 15, 1844;

No. 143. A joint resolution relative to the sale of intoxicating liquors to Indians;

No. 153. An act to vacate a road in the town of Lawrenceburgh;

No. 156. An act to repeal an act entitled "An act to incorporate the Morgan County Seminary," approved February 7, 1838;

No. 100. An act relative to the assignment of dower and to amend article 3, chapter 45, of the Revised Statutes of 1843;

No. 151. An act for the location of a State road in the counties of Hendricks, Putnam, and Montgomery;

No. 190. An act to abolish the office of school commissioner in Jefferson county;

No. 181. An act for the relief of county treasurers;

No. 176. An act for the relief of persons therein named;

No. 168. An act for the relief of purchasers of Seminary lands in Gibson and Monroe counties;

No. 167. An act to authorize the auditor and school commissioner of Jay county to sell the school section in township 24, north of range 14 east in Jay county;

No. 160. An act to change the name of the town of Canton, in Tipton county;

No. 159. An act to amend the 8th section of an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831;

No. 158. An act relating to a settlement made by the Agent of State with Leonard, Woodburn and others;

No. 191. An act extending the provisions of the 50th chapter of part 3d of the Revised Statutes of 1843 to Hancock county;

No. 206. An act providing compensation to supervisors of roads and highways in Rush county;

No. 261. An act to provide for the opening of a State road in the counties of Dearborn and Ripley;

No. 118. An act in relation to retailing intoxicating liquors in Laporte county;

No. 140. An act for the relief of Joel B. Cahoon.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report that on the 23d day of January, 1847, they presented to His Excellency, the Governor, for his approbation and signature bills of the House Nos. 310, 268, 188, 362, 244, 284, 211, 368, 319, 239, 109, 196, 197, 210, 312, 300, 366, 231, 303, 417, 341, 339, 279, 206, 218, 330, 106, 213, 202, 177, 189, 63, and 254.

The President laid before the Senate the following sealed message from His Excellency, the Governor:

EXECUTIVE DEPARTMENT,)
January 22, 1847. }

Gentlemen of the Senate:

I hereby nominate to you for appointment Thomas L. Smith as a Judge of the Supreme Court of the State of Indiana, to hold the said office of Judge of said court, during the term of seven years, if he shall so long behave well, the said term to commence at the end of the present session of the General Assembly of said State, at which time the present commission of Charles Dewey as a judge of said court will expire. To which nomination for appointment of the said Thomas L. Smith as a judge of said court, the advice and consent of the Senate are respectfully requested.

JAS. WHITCOMB.

To the Senate of Indiana.

Mr. Handy moved that the Senate do now adjourn.

Which motion did not prevail.

Leave being granted,

Mr. Simpson presented the petition of sundry citizens of Fayette county, in relation to a certain school district; which,

On motion by Mr. Simpson,

Was laid upon the table.

Mr. Marsh moved that there be a call of the Senate;

Which was ordered.

On motion,

Mr. Taber was excused from attendance on account of sickness.

All the other absentees appearing in their seats,

The further call was suspended.

On motion by Mr. Conner,

The Senate then proceeded, with closed doors, to the consideration of the sealed message of His Excellency, the Governor.

Mr. Parks offered the following resolution:

Resolved, That the Senate do advise and consent to the appointment of Thomas L. Smith as one of the Judges of the Supreme Court of Indiana, agreeably to the nomination.

On the adoption of said resolution,

The ayes and noes were demanded by Messrs. Orth and Davis; and,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stockwell, and Waters—22.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Stewart, Verbriek, Winchell, and Zenor—26.

So the resolution was not adopted.

Leave being granted,

Mr. Hardin introduced,

No. 273. A bill to vacate a part of the town of Far West, in Johnson county;

Which was read a first time.

On motion by Mr. Hardin,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Berry of Monroe moved to amend the title of a bill which had passed, so as to read as follows:

No. 75. An act to amend an act entitled "An act declaring a part of Salt creek a public highway."

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

The rules being suspended,

Mr. Morgan introduced,

No. 274. A bill to attach the county of Rush to the 13th judicial circuit, for circuit court purposes;

Which was read a first time.

On motion by Mr. Morgan,

The rules were suspended, and the bill read a second time and referred to a select committee of Messrs. Morgan, Murphey, Berry of Franklin, Simpson, and Robinson.

The rules being suspended,

Mr. Berry of Monroe introduced,

No. 275. A bill allowing Rachel Blair, widow of Enos Blair, late sheriff and collector of Monroe county, to collect arrears of taxes;

Which was read a first time.

On motion by Mr. Berry of Monroe,

The rules were suspended, and the bill read a second and third times, and passed.

On motion by Mr. Orth,

The following bill was taken from the messages from the House of Representatives, viz:

No. 446. (House.) A bill to legalize certain proceedings in Tippecanoe county;

Which was read a first time.

On motion by Mr. Orth,

The rules were suspended and the bill read a second and third times and passed.

Leave being granted,

Mr. Barbour, from the committee on federal relations, made the following report:

MR. PRESIDENT:

The committee on federal relations, to which was referred joint resolution of the House, No. 351. A joint resolution in reference to the protection of American industry in all its various departments, have had the same under consideration, and have instructed me to recommend the following amendments thereto, for adoption, and thereupon the passage of said joint resolution.

Amend by striking out the words "such interest," in the 11th line of the first resolution, and insert the words "the various interests of the country."

Add after the first resolution:

Resolved, That the *tariff act of 1846 in the main*, has the approbation of the people of Indiana.

Resolved, That the people of Indiana will cheerfully submit to a tax upon tea and coffee to provide means for the efficient prosecution of the existing war with Mexico.

On motion by Mr. Conner,

The bill and amendments were laid upon the table.

On motion by Mr. Simpson,

The following message from the House of Representatives was taken up and considered:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 376. An act for the relief of the White Water Valley Canal Company;

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time.

On motion by Mr. Simpson,

The rules were suspended, and the bill read a second and third times and passed.

On motion by Mr. Montgomery,

The following message from the House of Representatives was taken up and considered:

MR. PRESIDENT:

I have been directed to inform the Senate that the House have passed the following engrossed bill thereof:

No. 379. An act for the relief of Michael McCall.

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time.

On motion by Mr. Montgomery,

The rules were suspended, and the bill read a second and third times and passed.

The following messages were received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the Senate:

No. 149. An act extending the time of holding the probate court in the county of Fountain;

No. 158. An act relating to a settlement made by the agent of State with Leonard, Woodburn, and others;

No. 128. An act to locate a State road in Daviess, Martin, and Dubois counties;

No. 115. An act for the relief of Andrew W. Baker and Rosanna Baker, his wife, and Alamander Mendenhall;

No. 47. An act for the relief of Ellen Bigger, widow of Samuel Bigger, deceased;

No. 106. An act to vacate offices when officers become insane;

No. 194. (Without a title.)

No. 91. An act relative to brokers;

No. 155. An act for the relief of the prosecuting attorney of the 4th judicial circuit;

No. 186. An act to authorize the commissioners of the sinking fund to make a settlement with Horace B. Smith;

No. 13. An act to repeal certain special laws in force in the 11th judicial circuit;

No. 109. An act to incorporate a public seminary in the town of Aurora, in the county of Dearborn;

No. 126. An act to authorize the superintendent of the Wabash and Erie canal to pay such equitable claims as counties and individuals may have for surveying and locating the canal from Tippecanoe to Terre Haute;

No. 187. An act to confirm a certain deed to the Methodist Episcopal Church of Greenfield, Hancock county;

No. 150. An act to amend an act entitled "An act to authorize the removal of obstructions in Big and Little Blue rivers, in Shelby county;"

No. 197. An act to amend an act entitled "An act to incorporate the West Delphi Bridge Company;"

No. 124. An act to amend an act entitled "An act to establish a free turnpike road in the county of Adams," approved January 13, 1845;

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate:

No. 257. An act to amend an act entitled, "an act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany," approved February 14, 1839.

Without amendment.

On motion by Mr. Stewart,

The following message from the House of Representatives was taken up and considered:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 173. An act in relation to that portion of the northern division of the Central Canal which lies between Broad Ripple, in Marion county, and the Bluffs, in Morgan county.

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time.

On motion by Mr. Stewart,

The rules were suspended, and the bill read a second time and referred to a select committee of Messrs. Stewart, Conner, and Jackson.

On motion by Mr. Day,

The following bill was taken from the messages from the House of Representatives and considered, viz:

No. 309. (House.) A bill amendatory to the 30th chapter of the Revised Statutes of 1843:

Which was read a first time.

On motion by Mr. Day,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Parks moved to suspend the previous orders of the day, and take up House bill No. 353.

Mr. Ellis moved to amend the motion so as to provide for taking up the messages from the House of Representatives.

Which motion did not prevail.

Mr. Parks's motion was then agreed to, and the bill accordingly taken up.

Mr. Goodenow withdrew his amendment which was pending.

Mr. Verbriek then proposed the following amendment to said bill:

Amend the latter part of the eighth section, by adding the following:

Provided further, That the State will make no provision whatever, hereafter, to pay either principal or interest on any internal improvement bond or bonds, until the holder or holders thereof shall have first surrendered said bonds to the Agent of State, and shall have received in lieu thereof, certificates of stock as provided in the first section of this act, anything in this act to the contrary notwithstanding.

On the adoption of the amendment,

The ayes and noes were demanded by Messrs. Orth and Parks; and,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Monroe, Chenoweth, Clements, Coats, Coffin, Davis, Edmonston, Hamer, Hamrick, Handdy, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Simpson, Stockwell, Verbriek, Waters, and Zenor—24.

Those who voted in the negative are,

Messrs. Berry of Franklin, Bradbury, Conner, Day, Ellis, English, Goodenow, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Read, Robinson, Rockhill, Stewart, and Winchell—22.

So the amendment was adopted.

Mr. Osborn then proposed to amend the bill as follows:

Strike out all after the words "amend the," and insert the following, "bill as follows."

Strike out of section one all after the word "act," where it occurs in the 21st line, and insert in lieu thereof, "as modified by this."

Adopted.

Amend section three as follows—add to the section the following:

Provided, That no money shall be actually paid over to any holder of any certificate, until bonds to the amount of four millions

of dollars, exclusive of interest, shall be surrendered for cancellation as provided in the said original act, as modified by this."

Adopted.

Amend section seven as follows:

1st. Strike out "five millions five hundred and fifty-five thousand," in the 4th and fifth lines, and insert in lieu thereof, "four millions of."

Adopted.

2d. Strike out "August" in the 14th line, and insert in lieu thereof "June."

3d. Strike out "October" in the 19th line, and insert in lieu thereof "July."

4th. Strike out "May" in the 24th line, and insert in lieu thereof "June."

Adopted.

Amend section eight as follows:

After the word "act" in the 27th line, insert "as modified by this."

Amend section nine as follows:

1st. Strike out all of said section up to and including "New York" in the 8th line, and insert in lieu thereof the following: This act shall be in force from and after its passage, and the said original act is hereby declared to be in full force, except so far as the same is hereby modified. And so soon as an amount of bonds of not less than four millions of dollars, exclusive of interest, shall have been subscribed for as provided for in this act, and notice thereof given to the Agent of State in New York, or to the Governor of the State of Indiana, then it shall be lawful for such subscribers to elect two trustees in the manner as provided for in the eleventh section of this act, and said subscribers shall thereupon pay over to the said trustees five per cent upon the amount of bonds so subscribed by them severally.

2d. Strike out "the said amount of," in the tenth line, and insert after the word "bonds" in the same line, the following: "To the amount of five millions five hundred and forty-five thousand dollars, exclusive of interest." So that it will read, "that bonds to the amount of five millions five hundred and forty-five thousand dollars, exclusive of interest, have been surrendered for exchange."

3d. After the word "provided" where it first occurs in the 15th line, insert "and not before."

4th. Strike out "five millions five hundred and forty-five thousand," in the 22d line, and insert in lieu thereof the words "four millions."

5th. Strike out "August" in the 25th line, and insert in lieu thereof "June."

6th. After "1847" in the 25th line, insert the following: "And unless bonds to the amount of four millions of dollars, exclusive of interest, shall be surrendered for cancellation as provided in the said original act, as modified by this, on or before the 1st day of June next."

Adopted.

Amend section ten as follows:

After the word "act," at the end of the sixty-fifth line, insert the following:

Provided, That after the payment in full of said subscribers, or their assigns as aforesaid, the holder or holders of any certificate, whose assignor's bond or bonds were surrendered and cancelled as in the said original act and this supplement is provided, on or before the first day of May, 1850, shall be entitled to the same preference and priority in the payment thereof, and to be paid in the same manner, as is provided for the payment of said subscribers to said advance and their assigns, according to the time of such surrender and cancellation, anything in this act or the said original act to the contrary notwithstanding.

Adopted.

Add to section ten the following:

The trust hereby created shall cease and determine upon the payment of the principal of said certificates, which are hereby authorized to be paid out of the proceeds of said canal, at any time after twenty years from the passage of this act; and the State hereby reserves the right to redeem any of such certificates, by paying the legal holder thereof the principal sum due thereon.

Adopted.

Amend section eleven as follows:

Add the following:

Provided further, That after said subscribers making said advances, shall be paid in full the principal money secured by such certificates, it shall be lawful for a majority in number and value of the other holders of any certificates of stock by this or the said original act authorized to be issued and charged upon said canal as aforesaid, to elect trustees in like manner, and subject to the same conditions as is provided for the elections of trustee by the said subscribers; and such trustees shall comply with and be governed by all laws, rules, and regulations, and possess the same powers and perform the same duties as such trustees elected by said subscribers: *And provided further*, That if a majority in number and value of the other holders of said certificates neglect to so elect trustees as aforesaid, for the space of six months after said subscribers shall be paid in full as aforesaid, that then and in that case it shall be lawful for, and it is hereby made the duty of the two houses of the legislature, at its next session, to elect the same in the same manner as judges of the circuit court are now authorized to be elected; or in case said six months expire during the recess of the legislature, the Governor shall appoint the same, and the persons so appointed shall hold their offices until the close of the next session of the legislature, and until their successors are duly elected and qualified; and such trustees shall comply with and be governed by all laws, rules, and regulations, and possess the same powers and perform the same duties as

if the said trustees were elected by the holders of said certificates: *And provided further*, That the trustees elected by said subscribers shall hold their said offices for six months after said subscribers or their assigns shall be paid in full, as provided for in the tenth section of this act, and until their successors are elected and qualified.

Adopted.

After the eighty-second line in section twelve insert:

Provided also, That no person shall hold or be eligible to the office of trustee on the part of the State, who is notoriously bankrupt or insolvent, and in case such State trustee shall at any time whatever become bankrupt or insolvent, or make or offer any compromise with his creditors, or be guilty of any gross misconduct in office, then and in that case the office shall be deemed and taken to be absolutely vacated, and immediately thereupon such vacancy shall be filled by the General Assembly, if in session, or otherwise by the Governor, until such time as an election is made by the General Assembly, as provided in the twelfth section of said act.

Adopted.

Amend section seventeen as follows:

AND WHEREAS, By the act of Congress of the third of March, 1845, donating to the State the lands in the Vincennes land office district, in the said original act mentioned, it is provided that unless said canal shall be completed to the Ohio river within fifteen years from the passage of said act, the said State should become liable to the United States for the amount for which the same may have been sold: AND WHEREAS, It is desirable that said canal should be completed to Evansville aforesaid at an early day, thereby adding largely to the revenues thereof, increasing the value of the taxable property of the State, and affording increased facilities for trade and commerce therein: Therefore,

Be it further enacted, That if said trustees shall from any cause whatever, except as herein provided, fail to complete said canal in the manner and within the time herein specified, that then and in that case the said subscribers shall not any longer be entitled to receive any priority or preference, which by the said original or this supplemental act is given, or intended to be given to them, but from thenceforth the tolls and revenues of said canal shall be divided pro rata among all owners or legal holders of certificates issued by virtue of this act, as though no priority or preference had been given: *And be it further enacted*, That in case the said trustees shall not have fully completed the said canal to Evansville within the period of ten years from the passage of this act, with the exceptions as to casualties, &c., as mentioned in this section, then and in that case, the lands and property hereby and in the said recited act provided to be granted, shall revert back to and become the property of the State; *Provided*, That all deeds of conveyance and contracts for the sale of

any of said lands, made in good faith prior to such reversion, shall be valid and effectual as though no such reversion had occurred.

Adopted.

Amend amendment D as follows:

Strike out "public canal," in the fifth line, and insert in lieu thereof the words "similar works."

Adopted.

Amendment G:

1st. After the word committee in the fifth line, insert the words "and after due notice of the time and place of taking such proof, and a fair opportunity to rebut the same, and a judgment of guilty by the officer or court before whom such examination shall be had."

2d. After "any," in the fifth line, insert the word "other."

3rd. Strike out "other," in the same line, where it occurs before "formal," and insert in lieu thereof "more," so that it will read "more formal."

Adopted.

Amend amendment M as follows:

Add the following—"And said 30th section is hereby further amended so that said trustees shall establish two or more land offices at convenient points in this State."

Adopted.

Amend section 23 as follows:

1st. Strike out all after the word "canal," in the second line, up to the word "shall," in the third line, and insert in lieu thereof the following: "West of Tippecanoe, and also the lands selected for the completion of the canal east of Tippecanoe, which were classified before the same were offered for sale."

2d. Strike out "December," in the 10th line, and insert in lieu thereof "August."

3rd. Add to the section the following: "And it shall be the duty of the Auditor of Public Accounts to make out and have ready for delivery to said appraisers a list of said lands by the said first day of August."

Adopted.

Amend section 26 as follows:

Strike out "two," in the second line, and insert in lieu thereof "three."

Adopted.

Add the following section:

SEC. 27. It shall be lawful for the said trustees to permit the legal holder or owner of any certificate or certificates of, or contract for, the sale of any of said bonds heretofore issued, to surrender the same and divide the tract or tracts of land specified in such certificate, and receive a deed for such part thereof as may be agreed upon between said trustees and such holder or owner of such certificate: *Provided*, That such holder or owner shall first prove by the oath or affirmation of two reputable citizens of his neighborhood, that he is unable

to pay the amount unpaid for such tract or tracts, and that the interest of the said trustees and State of Indiana will not be prejudiced by such surrender and division.

Adopted.

Strike out "27," in the first line of the 27th section, and insert in lieu thereof "28." Adopted.

Mr. Robinson moved to amend the amendment proposed by Mr. Osborn as follows:

Amend the 7th section by striking out "five," wherever it occurs in the fourth line of said section, and insert "eight" in lieu thereof.

On the adoption of said amendment,

The ayes and noes being demanded by Messrs. Robinson and Hardin,

Those who voted in the affirmative are,

Messrs. Bowers, Bradbury, Conner, Day, Ellis, Goodenow, Hardin, Holloway, Marsh, Milligan, Morgan, Orth, Robinson, Waters, and Winchell—15.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Handy, Henry, Howell, Jackson, Logan, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Verbriek, and Zenor—31.

So the amendment was not adopted.

On motion by Mr. Orth,

The amendments proposed by Mr. Osborn were considered separately.

The question recurring upon the adoption of the first amendment, It was decided in the affirmative.

Mr. Orth then offered the following as an amendment to Mr. Osborn's amendments:

Amend by striking out the 23d, 24th, 25th, and 26th sections of the bill.

Mr. Berry of Franklin moved to lay said amendment upon the table.

Mr. Ellis moved to amend the motion by including therein the amendments of Mr. Osborn.

Mr. Edmonston called for a division of the question.

The question recurring upon laying Mr. Orth's amendment upon the table;

The ayes and noes were demanded thereon by Messrs. Orth and Ellis:

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Che-

nowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Henry, Howell, Miller, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stockwell, Waters, and Zenor—26.

Those who voted in the negative are,

Messrs. Barbour, Bradbury, Conner, Day, Ellis, Goodenow, Green, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Milligan, Morgan, Murphey, Orth, Robinson, Stewart, Verbriek, and Winchell—21.

So the amendment was laid upon the table.

The question then recurring upon laying the amendments proposed by Mr. Osborn upon the table,

The ayes and noes were demanded thereon by two Senators:

Those who voted in the affirmative are,

Messrs. Barbour, Bradbury, Conner, Day, Ellis, Goodenow, Green, Holloway, Jackson, Logan, Marsh, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, and Winchell—19.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Miller, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, Waters, and Zenor—28.

So the amendments were not laid upon the table.

Mr. Stewart then proposed to amend the amendments as follows:

Amend the 10th section of the act to which this is a supplement by striking out the following words, "particularly the side cuts and locks to the Wabash river on sections one hundred and thirty-six or one hundred and thirty-seven, between Coal Creek and Terre Haute, and on sections thirty-three or thirty-four and forty-six as heretofore surveyed, between Coal Creek and Lafayette, heretofore contemplated."

Mr. Handy moved that the Senate do now adjourn.

The ayes and noes being demanded thereon by Messrs. Davis and Handy,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Ellis, Green, Handy, Hardin, Marsh, Murphey, Rockhill, Stewart, and Winchell—11.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Bradbury, Chenowith, Clements, Coats, Coffin, Conner, Davis, Day, Edmonston, English, Goodenow, Hamer, Hamrick, Henry, Holloway, Howell, Jackson, Logan, Miller, Milligan, Milliken, Morgan, Montgomery, Orth, Osborn, Parks, Read, Robinson, Simpson, Stockwell, Verbriek, Waters, and Zenor—36.

So the Senate refused to adjourn.

Leave being granted,

Mr. Conner offered the following resolution :

Resolved, That when the Senate adjourns it will adjourn to meet at half-past 6 o'clock to-night for the purpose of transacting local business.

Mr. Edmonston moved to amend said resolution by striking out "six," and inserting "seven ;"

Which was accepted by Mr. Conner as a modification.

Mr. Orth moved to further amend the resolution by providing for taking up the "orders of the day ;"

Which was also accepted by Mr. Conner.

Mr. Ellis moved that the Senate do now adjourn ;

Which motion did not prevail.

The resolution as amended was then adopted.

The question recurring upon the adoption of the amendment proposed by Mr. Stewart,

The ayes and noes were demanded thereon by two Senators.

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Conner, Ellis, Handy, Hardin, Holloway, Logan, Marsh, Miller, Morgan, Robinson, Rockhill, Stewart, and Winchell—15.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Bradbury, Chenowith, Clements, Coats, Coffin, Davis, Day, Edmonston, English, Goodenow, Green, Hamer, Hamrick, Henry, Howell, Jackson, Milliken, Montgomery, Murphey, Orth, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, Waters, and Zenor—31.

So the amendment was not adopted.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills report that on the 22d day of

January, 1847, they presented to His Excellency, the Governor, for his approbation and signature bills of the Senate Nos. 128, 115, 47, 106, 194, 91, 155, 186, 13, 109, 126, 187, 124, 197, 150, and 149, and bills of the House Nos. 215, 278, 357, 38, 301, 280, 269, 135, 364, 156, 359, 288, 266, 311, 234, and 158.

The following message was received from the House of Representatives by Mr. Ward, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the House :

No. 215. An act to amend an act entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter," and also all acts amendatory thereto ;

No. 278. An act in relation to roads and highways in Lagrange county ;

No. 357. A joint resolution in regard to the hospital for the insane ;

No. 38. An act defining the mode of publishing the delinquent tax lists in the several counties in this State ;

No. 301. An act to repeal an act in relation to road tax in the town of Laporte ;

No. 280. An act to legalize the acts of Robert Leffler as school commissioner of Harrison county ;

No. 269. An act to amend an act entitled "An act to provide for opening and repairing public roads and highways in the county of Gibson and Pike," approved January 31, 1842 ;

No. 135. An act authorizing the collection of certain taxes therein named ;

No. 364. An act to provide for an additional place of holding elections in Clark county ;

No. 156. An act in relation to the common school fund in the county of Jackson ;

No. 266. An act to improve the Michigan road in Carroll county ;

No. 288. An act to re-locate the State road from Rushville, in Rush county, to Laurel, in Franklin county ;

No. 359. An act to establish an additional election precinct in Deer Creek township, Perry county, and for other purposes ;

No. 311. An act to amend an act entitled "An act relative to overseers of the poor," approved January 15, 1844 ;

No. 234. An act to change the name of William Chill to that of William Darnell ;

No. 205. An act for the improvement of the river Patoka, in Gibson county ;

No. 49. An act to authorize the executors of the estate of Jacob Sinks, late of Wayne county, deceased, to sell certain real estate;

No. 167. An act to locate a State road in the counties of Howard and Carroll;

No. 320. An act to regulate and change the time of holding courts in the fourth judicial circuit and authorizing special chancery courts to be held therein;

No. 246. An act to authorize writs of *ne exeat*;

Which I am directed to bring to the Senate for the signature of the President thereof.

On motion,

The Senate adjourned until 7 o'clock, P. M.

7 o'clock, P. M.

The Senate met.

Mr. Stewart, on leave given, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred bill of the House No. 173, entitled "An act in relation to that portion of the northern division of the Central Canal which lies between Broad Ripple, in Marion county, and the Bluffs, in Morgan county," have, according to order, had the same under consideration, and have directed me to report said bill back to the Senate, and recommend its passage.

Mr. Parks proposed the following amendment:

Which was adopted.

Mr. English moved to refer the bill as amended to the committee on canals and internal improvements.

Mr. Davis moved the following instructions amendatory of the motion of Mr. English:

Mr. Orth moved to refer the bill to the committee on the judiciary.

Mr. Orth called for a division of the question.

The question then being whether the bill should be committed,

It was decided in the affirmative.

The question next being whether the bill should be referred to the committee on canals and internal improvements,

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Monroe, Chenowith, Clements, Coats,

Coffin, Davis, Edmonston, English, Hamer, Hamrick, Henry, Howell, Miller, Milligan, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, and Verbriek—23.

Those who voted in the negative are,

Messrs. Barbour, Beard, Berry of Franklin, Bowers, Bradbury, Conner, Day, Ellis, Goodenow, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Waters, Winchell, and Zenor—24.

So said bill was not so referred to the committee on canals and internal improvements.

The question then being on referring to the judiciary committee, It was decided in the affirmative.

Mr. English moved to amend the instructions of Mr. Davis as follows:

Mr. Berry of Franklin proposed the following amendment:

The question being on the adoption of the amendment of Mr. Berry of Franklin,

It was decided in the affirmative.

The question being next upon the amendment of Mr. English to the instruction of Mr. Davis,

Said amendment of Mr. English was adopted.

The question then being on the instruction of Mr. Davis,

It was decided in the affirmative.

The following messages were received from the House of Representatives by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate, without amendment:

No. 5. An act in relation to county roads in the counties of Putnam and Jefferson.

And that the House have also passed the following engrossed bill thereof:

No. 490. An act legalizing the acknowledgments of deeds taken by the probate judges of Knox and Delaware counties.

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have passed the following engrossed bill thereof:

No. 377. An act relative to overseers of the poor in Floyd county.

In which the concurrence of the Senate is requested.

The House have also passed the following engrossed bill of the Senate, with an amendment:

No. 63. An act to authorize the superintendent of the New Albany and Vincennes road to rebuild bridges that have been washed away on said road.

In which amendment the concurrence of the Senate is requested.

The House have also passed the following engrossed bill of the Senate, without amendment:

No. 209. An act to amend and explain an act, entitled "An act for the relief of the heirs of the late Captain Richard McCarty, approved January 15, 1846, and to quiet the titles of occupants of lands therein named."

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 477. An act, entitled "An act to extend an act for the preservation of sheep, approved January 25, 1841," approved February 9, 1843.

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following bill thereof:

No. 453. An act making an appropriation to J. R. Pratt & Co. for the erection of the new State Prison.

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills and joint resolution thereof:

No. 440. An act to vacate a certain alley in the town of Greencastle;

No. 445. A joint resolution relative to the removal of the remains of the late Hon. Tilghman A. Howard:

No. 446. An act to legalize certain proceedings in Tippecanoe county.

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have passed the following engrossed bill thereof:

No. 346. An act to incorporate the City of Indianapolis.

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills and joint resolution thereof:

No. 293. An act to repeal the act, entitled "An act to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5, 1844, so far as the same relates to the county of Washington;

No. 309. An act amendatory to the 30th chapter of the Revised Statutes of 1843;

No. 451. A joint resolution legalizing the acts of Benjamin A. Allison, administrator of the estate of Amasa Jocelin, late of Owen county, deceased;

No. 455. An act to abolish the office of school commissioner in Sullivan county;

No. 456. An act to legalize certain of the official acts of Solomon M. Semans, a justice of the peace, of Randolph county;

No. 464. An act to repeal the local laws on the subject of roads and highways in the county of Lawrence.

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill of the Senate with one amendment:

No. 250. An act granting to Thomas J. Goodman, Sr. the privilege of supplying the city of Madison with water;

In which amendment the concurrence of the Senate is respectfully requested.

And that the House have concurred in the engrossed amendment of the Senate to the engrossed amendment of the House to engrossed bill of the Senate,

No. 68. A bill fixing the time of holding the circuit courts in the county of Marion;

And that the House have also concurred in the engrossed amendment of the Senate to the following engrossed bill of the House, with one amendment:

No. 130. An act granting to probate judges in this State the right of taking acknowledgments of deeds and other instruments in writing, and for other purposes;

In which amendment the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill thereof:
No. 449. An act for the relief of William Smith;
In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill thereof:
No. 463. An act to incorporate the Terre Haute and Richmond Railroad Company;
In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill of the Senate, with one amendment:

No. 107. A bill to amend the charter of the Milford and Columbus Railroad Company;

In which amendment the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill thereof:

No. 462. An act to authorize the commissioner of the reserved townships of college lands to make a deed to certain lots therein named;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill thereof:

No. 452. An act to incorporate the Greensburgh and Napoleon Turnpike Company;

In which the concurrence of the Senate is requested.

Mr. Ellis moved to consider the bills and joint resolutions of the House of Representatives contained in said messages.

The following of which were severally read a first time, and the rules were suspended, and read a second and third times and passed, viz:

Nos. 449, 477, 445, 440, 456, 451, 483, 462, 490, 463, and 377.

No. 453, which was read a first time; and,

On motion by Mr. Davis,

The rules were suspended, and the bill read a second time and referred to the committee on claims.

No. 346, which was read a first, the rules suspended, and read a second time and referred to the committee on corporations.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have adopted the following resolutions:

Resolved, That the House of Representatives send to the Senate (in compliance with their request) the message containing the agreement of the Senate to the amendment made by the House to the Senate resolution, for an adjournment of the two Houses on the 18th instant.

Resolved, further, That the resolution fixing Monday the 25th instant for an adjournment of the two Houses be, and the same is hereby, amended, the Senate concurring therein, and we will adjourn *sine die* on Thursday, the 28th instant.

In which the concurrence of the Senate is respectfully requested.

No. 455, which was read a first time; and,

On motion by Mr. Henry,

The rules were suspended, and the bill read a second time and referred to a select committee composed of Messrs. Henry, Allison, and Ellis.

No. 293, which was read a first time; and,

On motion by Mr. Logan,

Was read a second time.

Mr. Logan moved to amend as follows:

Amend by adding to the last section—"and it is hereby made the duty of the Secretary of State to forward a copy of this act to the clerk of said county, to be by said clerk filed in his office."

Which was adopted.

The bill was read a third time and passed.

No. 464, which was read a first time, and the rules suspended, and read a second time.

On motion,

Messrs. Berry of Monroe, Goodenow, and English, were added to the committee.

No. 250. (Senate.)

The amendments to the bill made by the House of Representatives were concurred in.

No. 130. (Senate.)

On motion,

The Senate receded from the amendments made by the House.

No. 63. (Senate.)

Mr. Davis moved to concur in the engrossed amendments of the House of Representatives by adding the following proviso:

Provided further, That nothing in this act contained shall be so construed as to in any way affect the priority of payment of a certain note mentioned in the eighth section of an act entitled "An act to amend the several acts now in force relative to the New Albany and Vincennes road," approved January 19, 1846;

Mr. Miller moved to lay the bill and amendments on the table.

Which motion did not prevail.

The question then being on concurring in the amendments of the House by adding the amendment of Mr. Davis,

And the ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Bowers, Clements, Coats, Coffin, Davis, Day, Edmonston, Ellis, English, Goodenow, Hamer, Hamrick, Henry, Holloway, Milligan, Montgomery, Osborn, Parks, Read, Robinson, Rockhill, Simpson, Stewart, Stockwell, Verbriek, Waters, and Winchell—30.

Those who voted in the negative are,

Messrs. Howell, Jackson, Logan, Marsh, Miller, Milliken, Morgan, and Zenor—8.

So the amendments of the House with the proviso of Mr. Davis were concurred in.

The Senate took up the message of the House of Representatives containing the resolution of the House amending the resolution heretofore adopted upon the subject of the adjournment of the present session, proposing to adjourn *sine die*, on Thursday the 28th instant, instead of the 25th instant.

On motion by Mr. Hamer,

Said resolution was reciprocated.

Mr. Parks moved to suspend the order of business and take up bill

No. 242. (Senate.) A bill making allowance to the Adjutant General of the Indiana Militia, Secretary of State, and Quartermaster General;

Which was read a third time and passed.

No. 452. (of the messages.)

Which was read a first time, and the rules being suspended, read a second and third times and passed.

No. 107. (Senate.)

The Senate concurred in the amendment of the House to said bill.

On motion,

The Senate adjourned.

SATURDAY MORNING, JANUARY 23, 1847.

The Senate assembled.

On motion,

The reading of the journal of the preceding day was dispensed with.

Mr. Robinson presented a petition, and introduced the following bill in accordance with the prayer of said petitioners:

No. 276. A bill to vacate certain streets and alleys in Williamstown, Decatur county;

Which was read a first time.

On motion by Mr. Robinson,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Stockwell presented the remonstrance of sundry citizens of Vanderburgh county, against reducing the fees of certain officers of said county; which,

On motion by Mr. Stockwell,

Was referred to the committee on the judiciary.

Mr. Orth, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate No. 207, entitled "An act attaching certain territory to the county of Carroll," have instructed me to report the same to the Senate and recommend its passage.

Mr. Rockhill moved to lay said bill upon the table.

And the ayes and noes being demanded thereon by Messrs. Rockhill and Hardin,

Those who voted in the affirmative are,

Messrs. Handy, Hardin, Henry, Morgan, Osborn, Read, Rockhill, Stockwell, Winchell, and Zenor—10.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Franklin, Berry of Monroe, Bradbury, Clements, Coats, Coffin, Davis, Edmonston, Ellis, English, Goodenow, Hamer, Hamrick, Holloway, Howell, Jackson, Marsh, Milliken, Montgomery, Orth, Parks, Robinson, Simpson, Verbriek, and Waters—27.

So the bill was not laid upon the table.

Mr. Orth moved to suspend the rules and read the bill a third time now.

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Clements, Coffin, Davis, Edmonston, Ellis, Goodenow, Hamer, Holloway, Jackson, Murphey, Orth, Robinson, Simpson, and Waters—17.

Those who voted in the negative are,

Messrs. Allison, Coats, Day, Hamrick, Handy, Hardin, Henry, Howell, Logan, Marsh, Milliken, Morgan, Montgomery, Osborn, Read, Rockhill, Stewart, Stockwell, Winchell, and Zenor—20.

So the rules were not suspended.

The bill was then ordered to be engrossed for a third reading.

The following messages were received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following engrossed bill of the Senate, without amendment:

No. 256. An act to incorporate the Greensburgh and Harrison turnpike company.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate, without amendment:

No. 163. An act to amend the 15th chapter of the Revised Statutes.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills and joint resolutions of the Senate:

No. 143. A joint resolution relative to the sale of intoxicating liquors by White men to Indians;

No. 14. An act for the relief of Joel B. Cahoon;

No. 70. An act to provide for the punishment of seduction;

No. 260. An act to change the name of Wesley P. Hitchcock to that of Wesley P. David;

No. 154. A joint resolution on the subject of improving the mail communication between Toledo, Ohio, by way of the Wabash valley, to New Orleans;

No. 146. An act to amend an act entitled "An act to incorporate the Richmond Turnpike Company," approved January 15, 1844;

No. 219. An act to amend an act entitled "An act authorizing Joseph Quinn and James Norvell to erect toll bridges," approved January 13, 1845;

No. 254. An act concerning the practice of the circuit court in the 13th judicial circuit, and repealing an act providing for a special term in Decatur county;

No. 152. An act to abolish the office of justice of the peace in Yorktown, Delaware county, Indiana;

No. 168. An act for the relief of the purchasers of seminary lands in Gibson and Monroe counties;

No. 10. An act relative to the printing of certain laws therein named;

No. 100. An act relative to assignment of dower, and to amend article 3, chapter 45, Revised Statutes of 1843;

No. 191. An act extending the provisions of the fifteenth chapter of part third of the Revised Statutes of 1843 to Hancock county;

No. 200. An act providing compensation to supervisors of roads and highways in Rush county;

No. 5. An act in relation to county roads in the counties of Putnam and Jefferson;

No. 255. An act for the relief of Ninian Hoskins, jr.;

No. 246. An act authorizing the citizens of Carroll county to construct a side-cut canal at the town of Delphi;

No. 34. An act extending the time of working out the road tax in the several counties therein named;

No. 209. An act to amend and explain an act entitled "An act for the relief of the heirs of the late Captain Richard McCarty," approved January 15, 1846, and to quiet the titles of occupants of lands therein named;

Which I am directed to bring to the Senate for the signature of the President thereof.

Which were accordingly signed by the President of the Senate.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the engrossed amendments of the Senate to the following engrossed bills of the House:

No. 272. An act to amend the provisions of chapter 37, section 70, part 3, article 1, of the Revised Statutes of 1843;

No. 243. An act to authorize the receiving of road tax separate from other tax or taxes.

Mr. Berry of Monroe, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred bill of the House No. 298, have, according to order, examined the subject matter therein contained, and direct me to report said bill back to the Senate, and recommend its passage.

On motion by Mr. Berry of Monroe,

The rules were further suspended, and the bill read a third time and passed.

Leave being granted,

Mr. Morgan, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the Senate No. 274, entitled "A bill to attach Rush county to the thirteenth judicial circuit for circuit court purposes," have had the same under consideration, and instructed me to report the same back, and recommend its passage, and ask to be discharged.

On motion by Mr. Morgan,

The rules were suspended, and the bill read a third time and passed.

Leave being granted,

Mr. Marsh, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of DeKalb county, in reference to increasing the fees of the treasurer of that county for the collection of road taxes, have had that subject under consideration, and directed me to report it inexpedient to legislate upon that subject.

Which report was concurred in.

On motion by Mr. Edmonston,

Was taken up,

No. 353. A bill (of the House) supplementary to "An act to provide for the funded debt of the State of Indiana and for the com-

pletion of the Wabash and Erie canal to Evansville," approved Jan. 19, 1846.

Mr. Edmonston asked leave of absence for Mr. Conner during the remainder of the session; and,

The ayes and noes being demanded thereon by Messrs. Hardin and Ellis,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Davis, Edmonston, English, Hamer, Hamrick, Handy, Henry, Howell, Miller, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbribe, Waters, and Zenor—26.

Those who voted in the negative are,

Messrs. Barbour, Bowers, Bradbury, Day, Ellis, Goodenow, Hardin, Holloway, Jackson, Logan, Marsh, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, and Winchell—19.

So leave of absence was granted to Mr. Conner.

The question then recurring upon the adoption of the second amendment proposed by Mr. Osborn to said bill,

Mr. Ellis proposed to amend said amendment as follows:

Amendment. Section twenty-three, in the third line, after the words "west of Tippecanoe," insert:

"The lands selected by the State of Indiana in the Vincennes land district, granted by the Congress of the United States to complete the Wabash and Erie canal to the Ohio river."

Also, after "qualifications," in the seventh line, insert "resident in the county where the land lies."

Also, in the tenth line, strike out "next," after "December next," and insert "1848."

As also, in the sixth line, strike out the word "next," and insert "1848."

On the adoption of said amendments,

The ayes and noes being demanded by Messrs. Ellis and Orth,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Bradbury, Day, Ellis, Goodenow, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, and Winchell—20.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe,

Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Handy, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Stockwell, Verbrike, and Zenor—24.

So the amendments were not adopted.

Mr. Osborn then moved to amend his said second amendment, by striking out "545,000;" and,

The ayes and noes being demanded on the adoption of the same, by Messrs. Ellis and Osborn,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Goodenow, Green, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Milliken, Montgomery Osborn, Parks, Read, Rockhill, Simpson, Stockwell, Verbrike, Waters, and Zenor—32.

Those who voted in the negative are,

Messrs. Bowers, Bradbury, Day, Ellis, Holloway, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Stewart, and Winchell—15.

So the amendment was adopted.

Mr. Robinson then proposed to amend the said second amendment of Mr. Osborn as follows:

Amend, by adding to the eighth section, immediately after the word "subscribers," in the thirtieth line of said section, the following:

Provided however, That the deed of conveyance to be made by the Governor, as contemplated by this act, and the act to which this is a supplement, shall not be made and delivered until the amount of bonds surrendered and cancelled shall amount to eight millions: *And provided further,* That four millions of the bonds so to be surrendered, and the interest due thereon, shall be paid out of the canal lands, tolls, and revenues, as now contemplated by this act, and the act to which this is a supplement, for the payment of the amount now contemplated by this act, and the act to which this is a supplement.

Pending which,

The following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills thereof:

No. 224. An act relative to granting letters of guardianship;

No. 281. An act relating to auditor's fees in Bartholomew county;

No. 90. An act in relation to the service of subpoenas in chancery;

No. 360. An act fixing a certain annual compensation to the auditor of Boone county;

No. 342. An act to authorize Nelson Peck and Elmore H. Wilcox to continue a mill dam across the Iroquois river, in Jasper county;

No. 60. An act to fix the time of holding courts in the tenth judicial circuit;

No. 29. An act declaring a certain act therein named to be in force;

No. 15. An act to amend an act entitled "An act fixing the time of holding the courts in the ninth judicial circuit," approved January 19, 1846;

No. 241. An act to amend an act entitled "An act to incorporate the town of Columbus, in Bartholomew county, Indiana," approved February 6, 1839;

No. 115. An act to locate a State road in the counties of Grant and Howard;

No. 136. An act exempting improvements on real estate from taxation in the counties of Kosciusko and Miami;

No. 321. An act authorizing the canal commissioner to credit and receipt for moneys heretofore paid by purchasers of Wabash and Erie canal lands;

No. 243. An act to authorize the receiving of road tax separate from other tax or taxes;

No. 253. An act to vacate certain alleys in the town of Greencastle, Putnam county;

No. 446. An act to legalize certain proceedings in Tippecanoe county;

No. 272. An act to amend the provisions of the 37th chapter of the Revised Code;

No. 181. An act for the protection of the property of married women;

No. 433. An act to amend an act entitled "An act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer," approved January 28, 1842;

Which I am directed to bring to the Senate for the signature of the President thereof;

Which were accordingly signed by the President.

On motion,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met.

Leave being granted,
Mr. English introduced,
No. 277. A joint resolution in relation to the irregularities of the mails;

Which was read a first time.

On motion by Mr. English,

The rules were suspended and the joint resolution read a second and third times and passed.

On motion by Mr. Allison,

The bill of the House No. 353 was taken up for further consideration.

Mr. Allison moved that there be a call of the Senate;

Which was ordered.

All the Senators appearing in their seats,

On motion by Mr. Handy,

The further call was suspended.

The question then recurring upon the adoption of the amendment of Mr. Robinson pending at the adjournment,

The ayes and noes were demanded thereon by Messrs. Robinson and Edmonston.

Those who voted in the affirmative are,

Messrs. Barbour, Day, Ellis, Goodenow, Green, Hardin, Holloway, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Stewart, Waters, and Winchell—18.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Handy, Henry, Howell, Jackson, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Stockwell, Verbriek, and Zenor—25.

So the amendment was not adopted.

Mr. Goodenow then offered the following amendment to the amendment of Mr. Osborn:

Amend the 9th section by striking out all after the word "sixthly" in the 42d line to the end of the 58th line, and insert:

"In payment in full to the holders of any other certificates of stock by this act directed to be issued and charged as aforesaid, or their assigns, of interest at and after the rate of five per cent. per annum on the amount of the principal thereof."

On the adoption of said amendment,
The ayes and noes were demanded by two Senators.

Those who voted in the affirmative are,

Messrs. Barbour, Day, Ellis, Goodenow, Green, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Waters, and Winchell—21.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Stockwell, Verbriek, and Zenor—22.

So the amendment was not adopted.

Mr. Goodenow then proposed the following further amendment: Insert at the end of the 10th line of section 18, these words:

"AND WHEREAS, It is desirable that a more particular supervision should be kept by the State over the receipts and disbursements of the said trustees, especially on account of tolls and payments of principal or interest on canal lands than is contemplated in the said 10th section of said recited act, by a general statement annually to the Legislature; therefore,

Be it enacted. 1st. That each toll collector in addition to any reports he may make to the trustees shall report to the Auditor of State an abstract of his books once in 3 months, or oftener if said Auditor may require, as is provided in section 302, chapter 13, of the Revised Code of 1843.

2nd. That said trustees shall report to said Auditor semi-annually, viz: Up to the 1st days of April and October annually, a minute and detailed statement of their receipts and expenditures, arranged under appropriate heads, accompanied in all cases when practicable with the proper vouchers; and said Auditor shall carefully examine said accounts and make settlement thereof, and enter the same in the proper books of his office as is provided in section 24, chapter 13, of the Revised Code of 1843.

3d. Said trustees shall accompany said reports with an abstract of all sales of canal lands; also an abstract of all payments of interest and penalties; also an abstract of partial payments of principal on lands previously sold; also an abstract of all final payments on canal lands, noting the names of the several assignees, (if any,) the date of such final payment, and date of patent issued thereon, and to whom patented, all of which, if found correct, the Auditor shall record in the proper books of his office in the same manner that sales and payments for canal lands have heretofore

been kept in his office; and for the additional clerk hire hereby rendered necessary the trustees shall cause to be paid on the proper voucher of the clerk performing the labor an amount not exceeding four hundred dollars per annum, payable as similar services are paid when rendered for said trustees, and the Auditor of State shall annually report the condition of said canal fund and canal lands to the Legislature, and it shall be the duty of the committee of ways and means to examine and report specially in relation to said fund;"

Which was accepted by Mr. Osborn as a modification of his said amendment.

The question then recurring upon the adoption of the amendment as amended,

It was decided in the affirmative.

Mr. Orth then proposed to amend the 3d amendment of Mr. Osborn as follows:

SEC. 32. And be it further enacted that the said trustees shall erect, construct, and keep in good repair suitable bridges over all State and county roads crossing, or that may hereafter cross, said Wabash and Erie canal;

Which was adopted.

The question then recurring upon the adoption of the amendment as amended,

It was decided in the affirmative.

The question then recurring upon the adoption of the fourth amendment proposed by Mr. Osborn,

The ayes and noes were demanded thereon by Messrs. Orth and Ellis; and,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Handy, Henry, Howell, Miller, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, and Zenor—25.

Those who voted in the negative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Green, Hardin, Holloway, Jackson, Logan, Marsh, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Waters, and Winchell—20.

So the amendment was adopted.

The remaining amendments proposed to the seventh section of the bill were adopted.

Mr. Robinson then proposed to amend the seventh section of the bill as follows:

That any bondholders that may surrender their bond or bonds in three years from this date, shall be entitled to all the priorities contained in this act.

On the adoption of the amendment,
The ayes and noes were demanded by Messrs. Robinson and Orth,
and,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Waters, and Winchell—19.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Handy, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, and Zenor—25.

So the amendment was not adopted.

The amendments proposed by Mr. Osborn to section eight of the bill were adopted.

The question recurring upon the adoption of the amendment to the ninth section of the bill,

Mr. Rockhill proposed to amend the amendment as follows:

Amend by striking out the whole bill after the word *declared*, in the second line of section one, and insert the following:

Amendment I.

That the act entitled, "an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19, 1846, be and the same is hereby revived and declared to be in full force for acceptance on the part of the public creditors of the State, and that the time for such acceptance be and the same is hereby extend to the first day of December, 1847.

SEC. 2. That so soon as conveniently may be after the passing of this present act, two trustees, qualified by citizenship and residence as in said seventh section of the said recited act is provided, shall be elected by a *majority in number and value* of the subscribers towards the completion of the said canal, who shall have given notice in writing of their subscriptions to the Agent of State in the city of New York, or if no such agent at New York, then to the Governor of Indiana, as mentioned in the 9th section of this act, such subscribers being present personally or by agent duly authorized by proxy at some meeting to be convened and holden in New York for that purpose, by and on the part of such subscribers, of which not less than one calendar month's previous notice, stating the object, and time, and place of such meeting shall be thrice inserted in the London Gazette and "Times" newspapers, and in two of the principal New York daily journals, and the resolutions to be signed by the chairman presiding at such meeting of subscribers, shall be a sufficient warrant and autho-

rity for the election of two persons to be then and there elected as trustees, for and on behalf of the said subscribers, and such election shall thereupon be deemed, taken, and acknowledged to be a good and valid election of such two trustees, and that such election was duly made under and in compliance with the provisions of the said recited act: *And it is further enacted*, That no such election to be made as last aforesaid shall be or become void or voidable by reason of any technical informality in the proceedings, or of any verbal defects or clerical errors, or by reason of the omission of notarial legalization, in or to any power or powers of attorney or other instrument or instruments of substitution to be made or executed by any subscriber or subscribers, bona fide to enable his, her, or their representatives to vote on his, her, or their behalf, at such election of trustees as aforesaid, and produced at such meeting for that purpose, nor shall such election be or become voidable by reason of any omission to hold the proceedings herein enacted, in public, or before any judge, magistrate, or other judicial officer, or to record the same in any court of law or equity, or other tribunal or place of justice, (any law, usage or custom, to the contrary thereof in any wise notwithstanding.)

SEC. 3. This act to be in force from and after its passage, and to show to the world that the people of Indiana are willing to meet her public creditors upon the principles of the above recited act, which was adopted to meet the views of said creditors, as represented by their authorized agent, it is hereby made the duty of the Secretary of State to cause notice of such intention to be given by publication in some of the papers in New York, London, Amsterdam, and Paris.

Mr. Murphey called for a division of the question.

The question recurring upon striking out,

The ayes and noes were demanded by two Senators; and,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Handy, Hardin, Holloway, Logan, Marsh, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Waters, and Winchell—19.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Henry, Howell, Miller, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, and Zenor—25.

So the Senate refused to strike out.

The question recurring upon the adoption of the amendment proposed to the ninth section,

The ayes and noes were demanded by two Senators; and,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Handy, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, and Zenor—24.

Those who voted in the negative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Waters, and Winchell—20.

So the amendment was adopted.

The question then recurring upon the adoption of the amendment to the tenth section,

Mr. Henry proposed to amend the same as follows:

Amend section *ten* by striking out the first six lines, and in place thereof insert the following:

SEC. 10. That in lieu and stead of the scale of distribution and application, as in the eighth and thirteenth sections of the said act directed, of the tolls and revenues of said canal, after defraying all needful and proper expenditures for repairs, attendance, and other necessary things appertaining thereto, which shall be first paid, anything in the said former act, or this act, to the contrary notwithstanding, and of the produce of the said canal lands, (sold and unsold,) the same shall be held and applied by said trustees in trust and security for the uses and purposes following, that is to say.

Which was adopted.

Mr. Stockwell then offered the following amendments to the said amendment:

Amend section 10, at the end of the 9th line, by inserting "until the same shall have been fully completed to Evansville."

Amend 10th section by inserting after the 74th line:

Provided also, That the proceeds of sales of the lands in the Vincennes land district shall be applied *only* to the construction of the canal from Terre Haute to Evansville, or to the repayment of the cash advances made by the bondholders for that purpose, until said canal shall have been completed.

Which amendments were adopted.

Mr. Stewart proposed to further amend the amendment as follows:

Amend by inserting after the word "pay," in the 74th line of the 10th section, the following:

Provided further, That this act, and the act to which this is supplementary, shall not be in force, unless agreed to by a majority of all the members elected to both branches of the next General Assembly.

On the adoption of the same,

The ayes and noes being demanded by Messrs. Stewart and Orth,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Hardin, Holloway, Logan, Marsh, Miller, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, and Winchell—17.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Handy, Henry, Howell, Jackson, Milligan, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, Waters, and Zenor—28.

So the amendment was not adopted.

Mr. Robinson then proposed to amend the said amendment of Mr. Osborn as follows:

AND WHEREAS, The act of last year was a gross deception and imposition palmed on the people of Indiana, and held out to them in false colors well calculated to mislead the people of this State: AND WHEREAS, The bill now before the Senate is an improvement on the fraud of last year: AND WHEREAS, The people should be well informed in regard to great questions affecting their interests: AND WHEREAS, The people are at this time uninformed of the merits or demerits of this bill, the Legislature hereby reserves the right to alter, amend, or repeal this act at the meeting of the next General Assembly of this State.

On the adoption of the same,

The ayes and noes were demanded by Messrs. Robinson and Davis:

Those who voted in the affirmative are,

Messrs. Bowers, Day, Ellis, Hardin, Holloway, Logan, Milligan, Morgan, Murphey, Orth, Robinson, and Winchell—12.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Goodenow, Green, Hamer, Hamrick, Handy, Henry, Howell, Marsh, Miller, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stewart, Stockwell, Verbriek, Waters, and Zenor—32.

So the amendment was not adopted.

Mr. Osborn's amendments to section 10, as amended, were then adopted.

The question recurring upon the adoption of Mr. Osborn's amendment to section 11,

Mr. Stewart proposed to amend the amendment as follows:

Strike out "two," in the second line of the 11th section, and insert "one;" and amend the bill generally, so as to provide for the election of one trustee on the part of the bondholders and two trustees on the part of the State, who shall be citizens of the State of Indiana, and the act to which this is a supplement is also so amended.

On the adoption of the same,

The ayes and noes being demanded by Messrs. Stewart and Orth,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Day, Ellis, Hardin, Holloway, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Stewart, Waters, and Winchell—17.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Goodenow, Green, Hamer, Hamrick, Handy, Henry, Howell, Jackson, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stockwell, Verbriek, and Zenor—28.

So the amendment was not adopted.

Mr. Osborn's amendment to section 11 was then adopted.

Mr. Orth then proposed to amend the amendments of Mr. Osborn as follows:

SEC. 31. *And be it further enacted*, That the said trustees shall, and it is hereby made their duty, to construct and complete all the feeders, feeder dams, side-cuts and reservoirs contemplated in this act, and the act to which this is a supplement, contemporaneously with the construction and completion of the main canal: *Provided, however*, That where said canal has already been so constructed beyond any point where such feeders or side-cuts are located and intended to be constructed as specified in the act to which this is a supplement, it shall be the duty of said trustees to construct and complete all such feeders and side-cuts within eighteen months from and after the acceptance of this act by our bondholders: *And be it further provided*, That said side-cuts shall be constructed of the same capacity with the main canal.

Which was adopted.

Mr. Osborn's amendment to section 12 was adopted, as amended.

The question then recurring upon the adoption of Mr. Osborn's amendment to section 17,

Mr. Ellis offered the following amendment as a substitute:

"That in case the subscribers to the advance of \$800,000 provided for in this act and the act to which this act is a supplement,

shall fail or neglect to complete the Wabash and Erie canal from Lafayette to the Ohio river, and the Central Canal as is provided for in this act, within six years after this act goes into operation, then and in such case, the lands and property hereby conveyed and the amount advanced by said subscribers shall forfeit and revert to the State."

Which was not adopted.

Mr. Orth then moved to amend the amendment by striking out "8 years," and inserting "10 years."

And the ayes and noes being demanded thereon by Messrs. Orth and Ellis,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Monroe, Bowers, Day, Ellis, Goodenow, Green, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, and Winchell—22.

Those who voted in the negative are,

Messrs. Allison, Beard, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Handy, Henry, Howell, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, Waters, and Zenor—23.

So the amendment was not adopted.

Mr. Osborn's amendment to section 17 was adopted.

Mr. Osborn's amendment to the amendment of the House, D, was also adopted.

Also, the amendment to House amendment G was adopted.

Also, the amendment to amendment M was adopted.

Mr. Robinson then moved to amend the bill by adding the following section:

SEC. —. That if the sum of eight hundred thousand dollars proposed to be subscribed by this act and the act to which this is a supplement, and the lands hereby to be conveyed shall not be sufficient to complete said canal to Evansville, then and in that case it is hereby enacted that no loans or further advances shall ever be made by the State of Indiana for the completion of said canal, nor shall any law hereafter be passed by which the State of Indiana shall either directly or indirectly be liable for the completion of said canal.

On the adoption of the same,

The ayes and noes were demanded by Messrs. Orth and Robinson; and,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Chenowith, Day, Ellis, Goodenow, Har-

din, Holloway, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Stewart, and Winchell—18.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Clements, Coats, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Handy, Henry, Howell, Jackson, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stockwell, Verbriek, Waters, and Zenor—27.

So the amendment was not adopted.

The question recurring upon the adoption of Mr. Osborn's amendment to section 23,

Mr. Morgan proposed to amend the same as follows:

Amend sections 23 and 24 as follows:

In the first line of section 23 between the words "the" and "lands," insert "unsold."

In the 24th section strike out from the word "unsold," in the 2nd line, to the word "for," in the 3rd line. Strike out all of said section after the word "supplemental," at the end of the 9th line.

On the adoption of the same,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Ellis, Goodenow, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Stewart, and Winchell—18.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stockwell, Verbriek, Waters, and Zenor—27.

So the amendment was not adopted.

Mr. Ellis moved to amend the bill by striking out amendment J, of the House, to section 19.

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Green, Handy, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Waters, and Winchell—22.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbribe, and Zenor—23.

So the amendment was not adopted.

Mr. Ellis proposed the following further amendment:

Amend amendment J of section 19:

Strike out \$1500 and insert \$800 in 9th line. Also, \$2500, and insert \$1000 in 9th and 10th lines.

Mr. Beard called for a division of the question.

The question recurring upon striking out,

The ayes and noes were demanded thereon by two Senators; and,

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Berry of Monroe, Bowers, Coats, Day, Ellis, Goodenow, Green, Hamer, Hardin, Henry, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Osborn, Parks, Robinson, Rockhill, Stewart, Verbribe, Waters, Winchell, and Zenor—29.

Those who voted in the negative are,

Messrs. Allison, Chenowith, Clements, Coffin, Davis, Edmonston, English, Hamrick, Handy, Howell, Milliken, Montgomery, Read, Simpson, and Stockwell—16.

So the Senate decided to "strike out."

Mr. Hamer moved to fill the blank with "1500" and "1200;"

Which was agreed to.

Mr. Robinson proposed to amend the bill by adding the following additional section:

Sec. —. That all the bondholders to whom said canal lands, tolls, and revenues may hereafter be conveyed, and all their lawful agents by them employed in the management of said canal, shall be liable individually for any contract by them made with any persons by them employed in the management or completion of said canal.

On the adoption of the same,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Green, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Robinson, Rockhill, Simpson, Stewart, and Winchell—20.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Handy, Henry, Howell, Milliken, Montgomery, Orth, Osborn, Parks, Read, Stockwell, Verbribe, Waters, and Zenor—25.

So the amendment was not adopted.

Mr. Osborn's amendments to sections twenty-six and twenty-seven were then adopted.

Mr. Parks then proposed to amend the bill as follows:

Amend by striking out all after the word "State," in line forty-six, section eleven:

On the adoption of the same,

The ayes and noes being demanded thereon by Messrs. Davis and Barbour,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Monroe, Coats, Day, Edmonston, Ellis, English, Green, Handy, Hardin, Henry, Howell, Holloway, Jackson, Logan, Miller, Milligan, Milliken, Murphey, Parks, Read, Robinson, Rockhill, Stewart, Stockwell, Verbribe, and Waters—28.

Those who voted in the negative are,

Messrs. Beard, Bowers, Chenowith, Clements, Coffin, Davis, Goodenow, Hamer, Hamrick, Marsh, Morgan, Montgomery, Orth, Osborn, Simpson, Winchell, and Zenor—17.

So the amendment was adopted.

Mr. Davis then moved to lay the bill as amended upon the table,

And the ayes and noes being demanded thereon by Messrs. Davis and Orth,

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Bowers, Davis, Day, Ellis, Goodenow, Green, Hamer, Hardin, Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, and Winchell—23.

Those who voted in the negative are,

Messrs. Allison, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Edmonston, English, Hamrick, Handy, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbribe, Waters, and Zenor—22.

So the bill was laid upon the table.

Leave being granted,

Mr. Davis offered the following resolution:

Resolved, That when the Senate adjourns, it will adjourn to meet again this evening, at seven o'clock, for the purpose of acting on local business.

Which was adopted.

Mr. Davis then moved to take from the table House bill No. 353;

Pending which,

Mr. Ellis moved that the Senate do now adjourn; and,

The ayes and noes being demanded by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Handy, Holloway, Jackson, Murphey, Orth, Robinson, Stewart, and Winchell—13.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Hardin, Henry, Howell, Logan, Marsh, Miller, Milligan, Milliken, Morgan, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stockwell, Verbriek, Waters, and Zenor—32.

So the Senate refused to adjourn.

The question recurring upon taking said bill from the table; and,

The ayes and noes being demanded by Messrs. Davis and Stewart,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Handy, Henry, Howell, Miller, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, Waters, Winchell, and Zenor—28.

Those who voted in the negative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Hardin, Holloway, Jackson, Logan, Marsh, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, and Stewart—17.

So said bill was taken from the table.

Mr. Holloway moved that the Senate do now adjourn; and,

The ayes and noes being demanded thereon by Messrs. Handy and Holloway,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Handy, Hardin,

Holloway, Jackson, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, and Winchell—20.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, Waters, and Zenor—25.

So the Senate refused to adjourn.

Mr. Holloway moved that the Senate do now adjourn; and,

The ayes and noes being demanded by Messrs. Holloway and Davis,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Green, Handy, Hardin, Holloway, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, and Winchell—20.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Henry, Howell, Jackson, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, Waters, and Zenor—25.

So the Senate refused to adjourn.

Mr. Handy moved the previous question;

Which was seconded by the Senate.

Mr. Barbour moved that the Senate do now adjourn; and,

The ayes and noes being demanded thereon by Messrs. Barbour and Orth,

Those who voted in the affirmative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Green, Hamer, Hardin, Holloway, Logan, Marsh, Miller, Milligan, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, and Winchell—20.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Hamrick, Handy, Henry, Howell, Jackson, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, Waters, and Zenor—25.

So the Senate refused to adjourn.

The question then being,
"Shall the main question be now put?"

It was so ordered.

The main question being,

"Shall the amendments of the Senate be engrossed, and the bill be ordered to a third reading?" and,

The ayes and noes being demanded thereon by Messrs. Ellis and Hardin,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coats, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Handy, Henry, Howell, Jackson, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbrike, and Zenor—26.

Those who voted in the negative are,

Messrs. Barbour, Bowers, Day, Ellis, Goodenow, Hardin, Holloway, Logan, Marsh, Miller, Morgan, Murphey, Orth, Robinson, Rockhill, Stewart, Waters, and Winchell—18.

So the bill, as amended, was ordered to a third reading.

Mr. Murphey, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report, that on the 23d day of January, 1847, they presented to His Excellency, the Governor, for his approbation and signature, bills of the House Nos. 205, 49, 167, 320, 246; and of the Senate, Nos. 72, 209, 143, 70, 260, 154, 146, 219, 254, 268, 152, 10, 191, 206, 5, 255, 246, 34, 140; and bills of the House, Nos. 129, 15, 241, 136, 321, 115, 243, 253, 446, 181, and 433.

On motion,

The Senate adjourned until 7 o'clock, P. M.

7 o'clock, P. M.

The Senate met.

On motion by Mr. Davis,

The following bill was taken from the messages from the House: No. 334. A bill (of the House) authorizing the Governor to con-

tract for the completion of the State Prison, and for other purposes;

Which was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second and third times, and passed.

On motion by Mr. Read,

The following bill was also taken from the messages:

No. 358. A bill (of the House) to quiet the titles in Clark's grant;

Which was read a first time.

On motion by Mr. Read,

The rules were suspended, and the bill read a second and third times, and passed.

Mr. Holloway, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred "An act in relation to that portion of the northern division of the Central Canal which lies between Broad Ripple, in Marion county, and the Bluffs, in Morgan county," have had the same under consideration, and have directed me to report the same back to the Senate, amended in accordance with the instructions of the Senate. Said committee have also inquired into the expediency of adopting the amendment offered by the Senator from Franklin, and recommend its adoption. Said committee have also examined the contracts existing between the lessees of the water power on said Central Canal and the State, and are of the opinion that there has been no forfeiture of said contracts.

After the adoption of the amendments, the committee recommend the passage of the bill.

Mr. Howell moved to lay the bill and pending amendments upon the table;

And the ayes and noes being demanded thereon by Messrs. Howell and English,

Those who voted in the affirmative are,

Messrs. Berry of Monroe, Chenowith, English, Howell, Miller, Milliken, Parks, Read, and Stockwell—9.

Those who voted in the negative are,

Messrs. Beard, Bowers, Clements, Coats, Coffin, Davis, Day, Ellis, Goodenow, Hamrick, Handy, Hardin, Henry, Holloway, Jackson, Logan, Marsh, Milligan, Morgan, Montgomery, Murphey, Orth, Rob-

inson, Rockhill, Simpson, Stewart, Verbrike, Waters, Winchell, and Zenor—31.

So the bill and amendments were not laid upon the table.

The question then recurring upon the adoption of the first amendment proposed by the committee,

The ayes and noes were demanded by two Senators:

Those who voted in the affirmative are,

Messrs. Allison, Beard, Bowers, Clements, Coffin, Davis, Day, Hamrick, Holloway, Howell, Jackson, Logan, Milliken, Morgan, Montgomery, Murphey, Orth, Robinson, Simpson, Stewart, Verbrike, Waters, and Winchell—20.

Those who voted in the negative are,

Messrs. Berry of Monroe, Chenowith, Coats, Ellis, English, Goode-now, Handy, Hardin, Jackson, Marsh, Miller, Milligan, Parks, Read, Rockhill, Stockwell, and Zenor—16.

So the amendment was adopted.

The other amendments proposed were adopted.

The bill, as amended, was then ordered to a third reading.

Leave being granted,

Mr. Orth offered the following resolution:

Resolved unanimously, That the thanks of the Senate are hereby tendered to the Hon. Paris C. Dunning for the able, impartial, and dignified manner in which he has presided over our deliberations during the present session.

Which was unanimously adopted.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims to whom was referred bill of the House No. 379, "An act for the relief of Michael McCall," have had the same under consideration, and have unanimously instructed me to report the same back to the Senate without amendment, and recommend its passage.

On motion by Mr. Logan,

The rules were suspended, and the bill read a third time, and passed.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims to whom was referred bill of the House No. 314, entitled "An act to provide for the payment of the expenses of completing the selecting, appraising, classifying, and mapping the lands granted by Congress for the completion of the Wabash and Erie Canal from Terre Haute to the Ohio river," have had the same under consideration, and a majority of said committee have directed me to report the bill back for the action of the Senate.

Said bill was ordered to a third reading.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims to whom was referred bill of the House No. 453, entitled "An act making an appropriation to J. R. Pratt for the erection of the State Prison," have, according to order, had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Logan,

The rules were suspended, and the bill read a third time, and passed.

The following message from the House was then taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof: No. 497. An act making specific appropriations for the year 1847; In which the concurrence of the Senate is respectfully requested.

Said bill was read a first and second times, the rules being suspended.

Mr. Logan offered the following amendment to the bill:

Amend by adding the following sections:

SEC. —. That J. Mansur & Son be allowed the sum of \$2 25 for merchandize for the funeral of the Hon. Abraham Cuppy.

SEC. —. That David Craighead be allowed the sum of \$5 75 for stationery furnished for the use of the Senate during the present session.

SEC. —. That Weaver & Williams be allowed the sum of \$1 50 for repairs done to the desks and locks in the Senate Chamber at the present session.

SEC. —. That William H. Hunter be allowed the sum of \$3 00 for cleaning and regulating clock for the Senate Chamber.

SEC. —. That E. J. Peck be allowed the sum of \$2 00 for four yards of black crape.

SEC. —. That Noel, Browning & Co. be allowed the sum of \$15 50 for stationery furnished the Senate during the present session.

SEC. —. That D. V. Cully be allowed the sum of \$6 00 for assistance rendered in making tract books for lands granted by Congress to complete the Wabash canal in December, 1845.

SEC. —. That John Burkit be allowed the sum of \$7 00 for a wheel-barrow for the use of the State in December, 1846.

SEC. —. That S. J. Wade be allowed the sum of \$5 98 for stationery furnished the Senate during the present session.

SEC. —. That C. & J. Cox be allowed the sum of \$2 25 for two fire fenders for stoves in the Senate Chamber.

Which amendment was adopted.

Mr. Davis offered the following amendment to the bill:

SEC. —. That Isaac N. Aiken be allowed the sum of \$30 00 for acting as secretary in organizing the Senate at the commencement of the present session.

Which was adopted.

Mr. Osborn proposed to amend the bill as follows:

Amend the allowance to Jonathan Brown by striking out "nine," and inserting in lieu thereof "twenty-five."

Which amendment was adopted.

Mr. Stewart offered the following amendment to the bill:

Amend by striking out of the allowance to E. Browning the sum of "\$32 75," and inserting in lieu thereof "\$42 50."

Which amendment was adopted.

Mr. English proposed to amend the bill as follows:

Amend by striking out \$2 00 in the allowance made to Jacob Miller, and inserting in lieu thereof \$3 00.

Which was adopted.

Mr. Davis proposed to amend the bill as follows:

Amend the 41st section by adding the following proviso:

"*Provided*, That the said Auditor, Treasurer, and Secretary, shall not receive exceeding \$200 00 each, for the clerk hire of each year."

Which amendment was adopted.

On motion by Mr. Logan,

The rules were suspended, and the bill, as amended, read a third time.

The question being upon the passage of the bill,

The ayes and noes were demanded thereon by two Senators; and,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Monroe, Bowers, Chenowith, Clements, Coats, Davis, Day, Edmonston, English, Goodenow, Holloway, Marsh, Osborn, Robinson, Simpson, Waters, and Winchell—18.

Those who voted in the negative are,

Messrs. Allison, Coffin, Ellis, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Logan, Milligan, Milliken, Morgan, Montgomery, Murphey, Orth, Parks, Read, Rockhill, Stewart, Stockwell, Verbrike, and Zenor—23.

So said bill did not pass.

On motion by Mr. Ellis,

Said vote was reconsidered.

On motion by Mr. Allison,

The bill was then referred to the committee on finance, with instructions to inquire into the justice of all the claims.

The following message from the House of Representatives was then taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 496. An act to repeal a part of section 38, chapter 47, article 4, of the Revised Statutes of 1843, so far as St. Joseph county is concerned, and for other purposes.

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time.

On motion by Mr. Davis,

The rules were suspended, and the bill read a second and third times and passed.

The following message was then taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills and joint resolutions thereof:

No. 481. An act in relation to the seminary of Madison county;

No. 410. An act to regulate the practice in cases of impeachment;

No. 459. An act to amend an act entitled "An act to incorporate the Mayor and Common Council of the town of Delphi;"

No. 434. A joint resolution relative to the public printing;

No. 461. An act for the relief of John Williams of Washington county;

No. 460. An act in relation to road tax in the county of Grant;

No. 458. An act to repeal an act entitled "An act for the relief of the citizens of district No. 3, in congressional township No. 28 north, of range No. 3 east, in Adams township, Cass county," approved January 15, 1846, and for other purposes;

No. 447. An act to incorporate the town of Williamsburgh, Wayne county, Indiana;

No. 443. An act for the improvement of a certain road in the counties of Delaware, Blackford, Wells, and Huntington;

No. 442. An act authorizing the county commissioners of Wells county to build a bridge;

No. 473. An act regulating the giving of notice in a certain suit in the Wayne circuit court;

No. 437. An act to abolish the office of county auditor in the county of Sullivan;

No. 402. An act for the relief of the estate of William N. Hood, deceased;

No. 381. A joint resolution in relation to the "School Friend" newspaper;

No. 404. An act to repeal a certain act therein named relative to performing labor on roads and highways in Orange county;

No. 405. An act to extend the time of payment of interest on certain funds therein named;

No. 407. An act legalizing the election of certain justices of the peace in Clark county;

No. 408. An act to amend the law now in force regulating the granting of license to tavern keepers, so far as the county of Fountain is concerned;

No. 466. An act to authorize the commissioners of the sinking fund to receive substitution of stock mortgaged, and for other purposes;

No. 465. An act giving power to the commissioners of the sinking fund in a certain case;

No. 330. An act to incorporate the Jefferson Manufacturing Company;

No. 426. An act to provide for the election of an additional justice of the peace in Jackson township, Wayne county, Indiana;

No. 483. An act to provide for the applying of the three per cent. fund due to the county of Ripley to the improvement of certain roads therein named;

No. 411. An act to locate a State road in the counties of Cass and Pulaski;

No. 432. An act providing for the sale of school section in township 25 north, range 2 east, for the term of 99 years;

No. 430. An act to provide for the settlement of accounts of commissioners heretofore appointed to expend a portion of the three per cent. fund, in Orange county;

No. 412. An act to locate a State road in Hamilton county;

No. 429. An act changing the time of holding probate court in Jefferson county;

No. 425. An act for the relief of the 1st Regular Baptist Church of Logansport;

No. 413. An act to provide for the survey and location of a State road in the county of St. Joseph;

No. 416. An act for the relief of James Boyer of Clark county;

No. 424. An act to establish a free turnpike road in the counties of Allen, Whitley, Kosciusko, and Marshall;

No. 418. An act to establish public highways in the county of Boone;

No. 422. An act allowing John Briggs a certain sum for his attendance as a witness in the Johnson impeachment case;

No. 419. An act to change the name of the town of New York, in Switzerland county, State of Indiana;

No. 421. An act to authorize the loaning of University or College funds to the State;

No. 401. An act to authorize the auditor of Harrison county to make a deed therein named;

No. 398. An act to authorize Michael English to build a mill dam across the Salamania river, in Wabash county;

No. 400. An act relative to the seminary fund in Laporte county;

No. 397. An act to change the name of Ann Amanda Woodward;

No. 394. An act authorizing the trustees of school district No. 5, in township 37, range 3 east, in St. Joseph county, to levy a tax to build a school house;

No. 192. An act authorizing deeds in certain cases to be made;

No. 331. An act to incorporate the Covington Drawbridge Company;

No. 387. An act to amend an act entitled "An act for the relief of the securities of William H. Darnall, late school commissioner of Hendricks county," approved January 19, 1846;

No. 388. An act authorizing the county commissioners of Noble county to make an allowance to the treasurer of said county for collecting road tax receipts;

No. 390. An act to repeal an act entitled "An act to regulate the attendance of grand and petit jurors in the 5th judicial circuit, so far as the same relates to the counties of Hendricks, Hamilton, and Hancock;

No. 354. An act authorizing the Governor to contract for the completion of the State Prison, and for other purposes;

No. 358. An act to quiet the titles in Clark's grant;

No. 369. An act to amend an act entitled "An act to incorporate the New Albany and Corydon Turnpike Company," approved January 20, 1846;

No. 374. An act declaring Little Blue river a public highway, in Rush county;

No. 378. An act to legalize an act of the board of county commissioners of Elkhart county;

No. 380. An act to raise a revenue for State purposes for 1847;

No. 385. An act to amend the act incorporating the town of Connersville, in the county of Fayette, approved February 15, 1841;

No. 386. A joint resolution in relation to granting land to Mr. Whitney to enable him to construct a railroad from Lake Michigan to the Pacific Ocean;

No. 468. An act to constitute Carlisle and vicinity a road district;

No. 469. An act for the relief of the treasurer of Johnson county;

No. 472. A joint resolution in relation to the Buffalo and Mississippi railroad;

No. 463. An act for the relief of Andrew Wilson;

No. 474. An act to legalize the election of Mayor and Common Council of the town of Delphi;

No. 484. An act authorizing suits to be commenced in the Knox circuit court in certain cases;

No. 482. An act to authorize the clerk of circuit and probate courts of Lawrence county to use new seals;

No. 480. An act to vacate a part of the town of Milford, in Kosciusko county;

No. 403. An act to amend an act entitled "An act to incorporate the Eel River Seminary Society," approved January 1, 1829, and for other purposes;

In which the concurrence of the Senate is respectfully requested.

The bills in said message of the following numbers, were severally read a first, second, and third times and passed, viz:

Nos. 463, 369, 426, 480, 482, 447, 484, 474, 472, 469, 468, 386, 385, 378, 374, 390, 387, 388, 331, 394, 397, 400, 401, 398, 418, 419, 416, 424, 413, 429, 412, 430.

No. 192, in said message, was read a first time.

On motion by Mr. English,

The rules were suspended, and the bill read a second time, and referred to the judiciary committee.

No. 380 was read a first time.

On motion by Mr. Read,

The rules were suspended, and the bill read a second time, and referred to the committee of the whole Senate, and made the special order of the day for Monday next at 2 o'clock, P. M.

No. 421 was read a first and second times, the rules being suspended, and,

On motion by Mr. Handy,

Laid upon the table.

No. 422 was read a first and second times, the rules being suspended, and referred to the committee on claims.

No. 425 was read a first and second times, and referred to the committee on claims.

On motion,

The Senate adjourned.

MONDAY MORNING, JANUARY 25th, 1847.

The Senate assembled.

The journal of the preceding day was read.

Mr. Allison, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to which was referred a petition of sundry citizens of Wayne county on the subject of giving colored children the benefit of the school fund in certain cases, together with a remonstrance upon the same subject, have had them under consideration, and a majority of said committee have directed me to report the same back to the Senate, and recommend that they be laid upon the table, as legislation upon that subject at the present session is inexpedient;

Which report was concurred in.

Mr. Allison, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred sundry resolutions of the Senate on the subject of revising and amending the common school laws, have directed me to report them back to the Senate, with the recommendation that further legislation upon that subject at the present session is inexpedient;

Which report was concurred in.

Mr. Davis, chairman of the committee on the State Bank, made the following report:

MR. PRESIDENT:

The committee on the State Bank, to which was referred bill of the Senate No. 161, in relation to increasing the common school fund, have had the same under consideration, and have made one amendment thereto, upon the adoption of which a majority of said committee respectfully recommend the passage of said bill.

Amendment: That the State Bank of Indiana may exercise the right of issuing notes of a less denomination than five dollars until the expiration of its charter upon the same terms and under the same restrictions as heretofore provided by the act under which said Bank

has heretofore made such issues. *Provided, however*, if the Banks in the States of Ohio and Kentucky shall cease before the expiration of the charter of said State Banks to issue bills of a less denomination than five dollars; then the right of said State Bank to issue notes less than five dollars shall cease and determine.

Amend the title of said bill so as to make it read as follows:

"A bill to continue to increase the common school fund."

On motion by Mr. Davis,

The bill and amendments were laid upon the table.

Mr. Berry of Monroe, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a petition of sundry citizens of Jefferson county, praying for the repeal of an act of last winter, which vacated a certain State road in said county, have had the same under consideration, and although they recognize the right of petition, which ought to be held sacred by all lovers of our Government; yet being well satisfied that enactments and repeal thereof alternately, and that annually, is very expensive to the State, and also if local to the county generally which such changes affect; and inasmuch as this session is now about to close, and more business before the Legislature than can possibly be disposed of, have directed me to report the same back to the Senate, and ask it to be laid on the table, and ask further to be discharged from the further consideration of the subject;

Which report was concurred in.

Mr. Goodenow, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the House No. 370, entitled an act to amend the acts now in force in regard to sending students to the State University," have had the said bill under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Goodenow,

The rules were suspended and the bill read a third time and passed.

Mr. Goodenow, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the House No. 334, entitled "An act to provide for the improvement of county libraries," have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its passage.

On motion by Mr. Goodenow,

The rules were suspended and the bill read a third time and passed.

Mr. Berry of Franklin, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred the petition of the citizens of the town of Pendleton, in Madison county, have had that subject under consideration, and directed me to report a bill to the Senate in accordance with the prayer of the petitioners, and recommend its passage:

No. 378. A bill to revive and amend an act entitled "An act to incorporate the town of Pendleton, in Madison county," approved February 15, 1839;

Which was read a first time.

On motion by Mr. Berry of Franklin,

The rules were suspended and the bill read a second and third times and passed.

Mr. Milligan, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have examined and compared the following Senate bills Nos. 93, 190, 153, 156, 167, 65, 257, 159, 151, 141, 176, 160, 181, 261, 118, and 103, and find them correctly enrolled.

Leave of absence for the remainder of the session was granted to Messrs. Coats, Logan, and Miller.

Mr. Holloway, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred a joint resolution on the subject of education, have had the same under consideration, and have directed me to report the same back to the Senate for their action.

On motion,

Said joint resolution was laid on the table.

Mr. Henry, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which has been referred House bill No. 455, abolishing the office of school commissioner in Sullivan county, have instructed me to report the same back with the following amendments, and upon their adoption, to recommend its passage:

Amend, by adding after "Sullivan," "Knox and Steuben;" after "treasurer," add "in said counties."

Change "county," where it first and last occurs, to "counties."

Amend the title, by adding "Knox and Steuben," and changing "county" to "counties."

Which report was concurred in, and the amendments adopted.

On motion by Mr. Henry,

The rules were suspended and the bill read a third time and passed.

Mr. Milligan introduced,

No. 279. A bill to authorize the auditor and school commissioner of Jay county to sell school lands in said county;

Which was read three several times, the rules being suspended, and passed.

Mr. Jackson introduced,

No. 280. A bill to provide for the construction of a railroad to intersect the Shelbyville railroad;

Which was read three several times, the rules being suspended, and passed.

Mr. Barbour, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee to which was referred a resolution of the Senate respecting suits against Dr. Coe, have had the same under consideration, and have instructed me to prepare and report the accompanying bill, and recommend its passage:

No. 281. A bill relative to the duties of Agent of State;

Which was read a first and second times, the rules being suspended.

Mr. Edmonston moved to lay the bill upon the table; and,

The ayes and noes being demanded thereon by Messrs. Orth and Barbour,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Chenowith, Clements, Edmonston, Handy, Hardin, Howell, Marsh, Milligan, Montgomery, Parks, Read, Robinson, Rockhill, Simpson, and Stockwell—17.

Those who voted in the negative are,

Messrs. Barbour, Beard, Berry of Monroe, Bowers, Coffin, Davis, Day, Ellis, English, Goodenow, Hamer, Hamrick, Henry, Holloway, Jackson, Milliken, Morgan, Orth, Osborn, Verbribe, Waters, Winchell, and Zenor—23.

So the bill was not laid upon the table.

On motion by Mr. Orth,

The rules were suspended, and the bill read a third time.

The question being upon its passage; and,

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Barbour, Beard, Bowers, Chenowith, Coffin, Davis, Ellis, English, Goodenow, Holloway, Milliken, Orth, Osborn, Stockwell, Verbribe, Waters, and Winchell—17.

Those who voted in the negative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, Clements, Day, Edmonston, Hamer, Hamrick, Handy, Hardin, Henry, Howell, Jackson, Marsh, Milligan, Morgan, Montgomery, Read, Robinson, Rockhill, Simpson, and Zenor—22.

So the bill was not passed.

Mr. Davis, chairman of the committee on the State Bank, made the following report:

MR. PRESIDENT:

The committee on the State Bank, to which was referred bill of the Senate No. 205, in relation to issuing and circulating small notes, &c., and also joint resolution No. 205, in relation to certain treasury notes, have not had sufficient time to consider the same; they therefore report the same back to the Senate, and recommend that they be laid upon the table, and ask that said committee may be discharged from their further consideration.

Which report was concurred in, and the bill and joint resolution accordingly laid upon the table.

Mr. Milligan, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have examined and compared Senate bills Nos. 140, 143, 70, 260, 154, 146, 219, 254, 152, 168, 100, 10, 191, 200, 34, 246, 255, and 5, and find them correctly enrolled.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the Speaker of the House has signed the following enrolled bill of the House:

No. 379. An act for the relief of Michael McCall;

Which I am directed to bring to the Senate for the signature of the President thereof.

Mr. Barbour, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred bill of the House No. 344, "An act to authorize the formation of voluntary associations," have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

On motion by Mr. Barbour,

The rules were suspended, and the bill read a third time and passed.

Mr. Berry of Franklin, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred bill of the House No. 346, entitled "An act to incorporate the City of Indianapolis," have had the same under consideration, and have directed me to report it back to the Senate with several amendments, upon the adoption of which, they recommend its passage.

Amend by inserting the following:

SEC. 48. Nothing in this act shall be so construed as to authorize said city council to levy and collect a tax for the establishment of free schools in the City of Indianapolis, as provided for in this act, unless so authorized to do by a vote of a majority of the legal voters

of said city; and it is hereby made the duty of the present common council of the town of Indianapolis, to cause a poll to be opened on the last Saturday in April, 1847, at the regular city election, for that purpose; and the voter shall endorse upon the back of his ballot, if he be in favor of the establishment of city free schools, "Free Schools;" and if he be opposed to said schools, "No Free Schools."

Amend by inserting the following section:

SEC. 47. The Legislature reserves the right to alter, amend, or repeal this act of incorporation at any time.

Amend the 42d section by inserting after the word "deed," in the last line, the following:

And the mayor shall execute and acknowledge all deeds to lots heretofore sold for taxes by the town of Indianapolis, to which deeds may be authorized by the laws heretofore in force in said town.

Amend the 39th section by striking out all of said section after the word "provided."

Amend the 22d section by striking out the following words: "To declare what shall be such nuisance."

Amend by striking out section 3rd, and insert the following in lieu thereof:

SEC. 3. No person shall be eligible to the office of mayor who is not a citizen of the United States, twenty-five years of age, and who shall not have resided in said city two years next preceding his election. And no person shall be eligible to the office of councilman who shall not have resided in the ward for which he may be elected six months, and in the city one year next preceding his election. And no person shall be qualified to vote for mayor and councilman who has not resided for the last six months, preceding the election, in the city, and if not a house-holder, who has resided for the last twenty days preceding the election in the ward in which he may offer his vote, and who shall not be a citizen of the State of Indiana. And no person shall be qualified to hold any office in said city under this act, or to vote, who is not twenty-one years of age at the time of the election, and a white male citizen of the United States. The place of boarding shall be considered the residence of such voters as are not house-holders.

Which report was concurred in,

And the amendments adopted.

On motion by Mr. Berry of Franklin,

The rules were suspended, and the bill, as amended, read a third time, and passed.

Messrs. Stewart and Winchell were added to the committee on enrolled bills.

On motion by Mr. Stewart,

The following bill was taken from the files:

No. 11. (Of the House.)

Mr. Berry of Franklin offered an amendment to said bill.

Which was adopted.

The bill was then read a third time, the rules being suspended, and passed.

On motion by Mr. Edmonston,
Bill (of the House) No. 353 was taken up,
And read a third time.
The question being upon its passage,
The ayes and noes were demanded by Messrs. Ellis and Winchell:

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Monroe, Chenowith, Clements, Coffin, Davis, Edmonston, English, Hamer, Hamrick, Handy, Henry, Howell, Jackson, Milliken, Montgomery, Osborn, Parks, Read, Simpson, Stockwell, Verbriek, and Zenor—24.

Those who voted in the negative are,

Messrs. Barbour, Berry of Franklin, Bowers, Day, Ellis, Goode-now, Green, Hardin, Holloway, Marsh, Milligan, Murphey, Orth, Robinson, Rockhill, Stewart, Waters, and Winchell—19.

So said bill was passed.

Mr. Stewart moved to amend the title of the bill so as to read as follows:

An act to provide for the construction of the Wabash and Erie Canal to Evansville, and to provide for the payment of the bonds held by the rich bondholders, and to defraud the poor and honest bondholders of Indiana.

Mr. Edmonston moved the previous question.

Which was seconded by the Senate.

The main question was ordered to be put.

The main question being,

"Shall this be the title of the bill?"

It was so decided.

Mr. Rockhill, chairman of the committee on elections, made the following report:

MR. PRESIDENT:

The committee on elections to whom was referred the certificates of the newly elected members of this Senate, have examined the same, and find, upon such examination, the following named persons were duly elected members of this body on the first Monday in August last, in pursuance of the laws of this State, from the following counties, to-wit:

From the counties of Carroll and Clinton—Philip Waters.

From the counties of Cass, Pulaski, and Richardville—Cyrus Taber.

From the counties of Daviess and Martin—Richard A. Clements.

From the county of Dearborn—James P. Milliken.

From the county of Decatur—Joseph Robinson.

From the county of Floyd—John S. Davis.

From the counties of Fayette and Union—Henry Simpson.

From the county of Fountain—Joseph Coats.

From the county of Franklin—George Berry.

From the counties of Laporte, Porter, and Lake—Andrew L. Osborn.

From the county of Marion—William Stewart.

From the county of Montgomery—John Beard.

From the counties of Noble, De Kalb, and Steuben—Madison Marsh.

From the counties of Posey and Vanderburgh—William Hamilton Stockwell.

From the counties of Randolph, Jay, and Blackford—Dixon Milligan.

From the counties of St. Joseph, Marshall, and Fulton—Lot Day.

From the counties of Sullivan, Vigo, and Clay—James H. Henry.

From the counties of Switzerland and Ohio—Martin R. Green.

From the county of Tippecanoe—Godlove S. Orth.

Mr. Green, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of the citizens of Posey township, Switzerland county, asking the annexation of said township to the county of Ohio, and a remonstrance of citizens of the said county of Switzerland against such annexation, have had the same under consideration, and after mature consideration, have directed me to report, that in the opinion of the committee it is inexpedient to grant the prayer of the petitioners for the following, among many other reasons, which might be stated.

1st. The petitioners, although numerous and respectable, are greatly exceeded by the remonstrants.

2d. The constitutionality of the law creating the county of Ohio, is now being contested in the supreme court of the State. The decision of the supreme court, in the opinion of the committee, in the absence of other objections, is highly important, before any further addition of territory is made to the county of Ohio.

Which report was concurred in.

Mr. English offered the following resolution:

Resolved, That the thanks of the Senate be tendered to John R. Jones, Jacob B. Lowe, and David Miller, for the able and efficient

manner in which they have severally discharged the duties of principal and assistant secretaries, and door-keeper of the Senate during the present session.

Which was adopted.

The following message was received from the House of Representatives:

MR. PRESIDENT:

The Speaker has signed the following enrolled bill of the Senate:
No. 196. An act defining the duties of State Agent.

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills thereof:

No. 453. An act making an appropriation to J. R. Pratt & Co. for the erection of the new State Prison;

No. 429. An act changing the time of holding the probate courts in Jefferson county;

Which I am directed to bring to the Senate for the signature of the President thereof.

On motion,

The Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

The Senate met.

On motion by Mr. English,

No. 436. (House.) A bill for the relief of the sufferers by the late floods;

Was taken from the files, and read a third time and passed.

Leave being granted,

Mr. Parks introduced,

No. 282. A bill in relation to the water power at the Bluffs of White river;

Which was read a first time and ordered to a second reading.

On motion by Mr. Edmonston,

The Senate resolved itself into a committee of the whole on

No. 380. (House.) To raise revenue for State purposes for 1847;
And after some time spent in the consideration thereof, the committee rose and were discharged.

Mr. Hardin then moved to amend the bill by striking out "five mills" for deaf and dumb purposes;

And the ayes and noes being demanded by two Senators on the adoption of the same,

Those who voted in the affirmative are,

Messrs. Berry of Franklin, Day, Hamrick, Handy, Hardin, Howell, Jackson, Milligan, and Read—9.

Those who voted in the negative are,

Messrs. Allison, Barbour, Beard, Berry of Monroe, Bowers, Chenoweth, Clements, Coffin, Davis, Edmonston, Ellis, English, Goode, Green, Henry, Holloway, Morgan, Orth, Osborn, Parks, Robinson, Rockhill, Stewart, Stockwell, Verbrike, Waters, Winchell, and Zenor—28.

So the amendment was not adopted.

The rules were then suspended, and the bill read a third time and passed.

A message from his Excellency, the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed to inform the Senate, that his Excellency the Governor did, on the 23d instant, approve and sign the following bills and joint resolutions:

No. 209. An act to amend and explain an act entitled, "an act for the relief of the heirs of the late Capt. Richard McCarty, and to quiet the titles of occupants of lands therein named;

No. 72. An act incorporating the Upper Wabash Canal Company;

No. 100. An act relative to assignment of dower, and to amend article 3d, chapter 45, of the Revised Statutes of 1843;

No. 106. An act to vacate offices when officers become insane;

No. 91. An act relative to brokers;

No. 70. An act to provide for the punishment of seduction;

No. 260. An act to change the name of Wesley P. Hitchcock to that of Wesley P. David;

No. 155. An act for the relief of the prosecuting attorney of the 4th judicial circuit;

No. 34. An act extending the time of working out the road tax in the several counties therein named;

No. 152. An act to abolish the office of justice of the peace in Yorktown, Delaware county, Indiana;

No. 219. An act to amend an act entitled, "an act authorizing

Joseph Quinn and James Norvell to erect toll bridges," approved January 13, 1845;

No. 109. An act to incorporate a public seminary in the town of Aurora, in the county of Dearborn;

No. 255. An act for the relief of Ninian Hoskins, Jr.;

No. 126. An act to authorize the superintendent of the Wabash and Erie canal to pay such equitable claims as counties and individuals may have for surveying and locating the canal from Tippecanoe to Terre Haute;

All of which originated in the Senate.

I am also directed by the Governor to transmit to the Senate bill No. 10, entitled "an act relative to the printing of certain laws therein named," with his reasons for withholding his approval of the same.

No. 154. A joint resolution on the subject of improving the mail communication between Toledo, Ohio, by way of the Wabash Valley, to New Orleans;

No. 168. An act for the relief of purchasers of seminary lands in Gibson and Monroe counties;

No. 47. An act for the relief of Ellen Bigger, widow of Samuel Bigger, deceased;

No. 149. An act extending the time of holding the probate court in the county of Fountain;

No. 194. A joint resolution in relation to drawing public arms;

No. 115. An act for the relief of Andrew W. Baker and Rosanna Baker, his wife, and Alamander Mendenhall;

No. 128. An act to locate a State road in Daviess, Martin, and Dubois counties;

No. 197. An act to amend an act entitled, "an act to incorporate the West Delphi Bridge Company;

No. 186. An act to authorize the commissioners of the sinking fund to make a settlement with Horace B. Smith;

No. 150. An act to amend an act entitled, an act to authorize the removal of obstructions in Big and Little Blue rivers in Shelby county;

No. 124. An act to amend an act entitled, "an act to establish a free turnpike road in the county of Adams;"

No. 187. An act to confirm a certain deed to the Methodist Episcopal Church of Greenfield, Hancock county;

No. 13. An act to repeal certain special laws in force in the 11th judicial circuit;

No. 246. An act to authorize the citizens of Carroll county to construct a side cut canal at the town of Delphi;

No. 146. An act to amend an act entitled, "an act to incorporate the Richmond Turnpike Company," approved January 15, 1844;

No. 143. A joint resolution relative to the sale of intoxicating liquors by white men to Indians;

No. 234. An act to change the name of William Chill to that of William Darnell;

No. 206. An act providing compensation to supervisors of roads and highways in Rush county;

No. 5. An act in relation to county roads in the counties of Putnam and Jefferson;

No. 191. An act extending the provisions of the fifteenth chapter of part third of the Revised Statutes of 1843, to Hancock county;

No. 254. An act concerning the practice of the circuit court in the thirteenth judicial circuit, and repealing an act for a special term in Decatur county.

To the President of the Senate:

SIR—In compliance with a resolution of the Senate, requesting me to inform the Senate what action (if any) has been had upon "a joint resolution on the subject of the reservoir in Mercer county, Ohio," I have to state that I addressed the Executive of Ohio upon the subject of the joint resolution as therein required, and enclosing a copy thereof; but as doubtless action on the part of the Legislature of that State is necessary to enable the Governor to return an answer, no response has yet been received.

JAMES WHITCOMB.

January 25th, 1847.

On motion by Mr. Berry of Franklin,
House bill No. 173 was taken from the files.

Mr. English moved to refer the bill to a select committee, with instructions to amend by striking out all that part of the bill that provides for the payment of money out of the Treasury; and that part that allows the loaning of the amount of the revenue of the counties therein named.

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Monroe, Edmonston, English, Hamrick, Handy, Henry, Howell, Jackson, Milliken, Read, Stockwell, and Zenor—13.

Those who voted in the negative are,

Messrs. Beard, Barbour, Berry of Franklin, Bowers, Chenowith, Clements, Coffin, Day, Ellis, Goodenow, Hamer, Hardin, Holloway, Marsh, Morgan, Montgomery, Murphey, Orth, Osborn, Parks, Robinson, Rockhill, Simpson, Stewart, and Winchell—26.

So the bill was not so referred.

Mr. Hamrick moved to reconsider the vote by which said bill was ordered to a third reading; and,

The ayes and noes being demanded thereon by Messrs. Hamrick and Stewart,

Those who voted in the affirmative are,

Messrs. Barbour, Berry of Monroe, Bowers, Day, Ellis, Goodenow, Hamer, Hamrick, Handy, Hardin, Henry, Marsh, Osborn, Parks, Rockhill, Stewart, Verbriek, and Zenor—18.

Those who voted in the negative are,

Messrs. Allison, Beard, Berry of Franklin, Chenowith, Clements, Coffin, Edmonston, English, Holloway, Howell, Jackson, Milliken, Morgan, Montgomery, Murphey, Orth, Read, Robinson, Simpson, and Stockwell—20.

So the vote was not reconsidered.

The question then recurring upon the passage of the bill; and,

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Bowers, Chenowith, Clements, Coffin, Davis, Holloway, Jackson, Morgan, Montgomery, Murphey, Orth, Parks, Rockhill, Simpson, Stewart, Verbriek, Waters, and Winchell—20.

Those who voted in the negative are,

Messrs. Allison, Barbour, Berry of Monroe, Day, Edmonston, Ellis, English, Goodenow, Hamer, Hamrick, Handy, Hardin, Howell, Marsh, Milligan, Milliken, Read, Stockwell, and Zenor—19.

So the bill was passed.

Mr. Rockhill, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the House No. 422, allowing John Briggs a certain sum for his attendance as a witness in the Johnson impeachment case, have had that subject under consideration, and have directed me unanimously to report the same back to the Senate, and recommend its passage.

On motion by Mr. Rockhill,

The rules were suspended, and the bill read a third time and passed.

The following messages were received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the Senate:

No. 190. An act to abolish the office of school commissioner in the county of Jefferson;

No. 153. An act to vacate a road in the town of Lawrenceburgh;

No. 156. An act to repeal an act entitled "An act to incorporate the Morgan county seminary," approved February 7, 1838;

No. 167. An act to authorize the auditor and school commissioner of Jay county to sell the school section in township number twenty-four north, of range number fourteen east, in Jay county;

No. 68. An act fixing the time of holding the Marion circuit court, and the commencement of the courts in Johnson, Hamilton, Hendricks, and Boone;

No. 93. An act to incorporate the Lafayette Hydraulic Company;

No. 103. An act to give additional time to the probate court in Monroe county;

No. 118. An act relating to retailing intoxicating liquors in LaPorte county;

No. 257. An act to amend an act entitled "An act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany," approved February 14, 1839;

No. 261. An act to provide for the opening of a State road in the counties of Dearborn and Ripley;

No. 181. An act for the relief of county treasurers;

No. 160. An act to change the name of the town of Canton in Tipton county;

No. 176. An act for the relief of persons therein named;

No. 159. An act to amend the eighteenth section of an act regulating the fees and salaries of the several persons therein named, approved February 7th, 1831;

No. 151. An act for the location of a State road in the counties of Hendricks, Putnam, and Montgomery;

No. 141. An act to vest the title to land in the heirs, devisees, or assignees of the purchasers of lands in certain cases, where said purchaser has died or shall hereafter die before the date of the patent or deed of conveyance;

No. 107. An act to amend the charter of the Milford and Columbus Railroad Company;

No. 256. An act to incorporate the Greensburgh and Harrison Turnpike Company;

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have passed the following engrossed bill of the Senate, without amendment:

No. 280. A bill to provide for the construction of a railroad to intersect the Shelbyville railroad.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate, without amendment:

No. 164. A bill authorizing the sale of certain real estate therein named;

No. 188. An act for the relief of Daniel Dayhuff;

No. 265. An act regulating the granting of licenses in the county of Grant;

No. 224. An act providing for the publication of certain laws therein named;

No. 222. An act to amend an act to establish a free turnpike road in Jay county, approved January 13, 1846;

No. 205. An act to amend the general provisions respecting wills and testaments;

The House have also concurred in the engrossed amendment of the Senate to the following engrossed bills of the House:

No. 11. An act relative to loaning school funds;

No. 346. An act to incorporate the city of Indianapolis;

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the engrossed amendments of the Senate to the following engrossed bills of the House:

No. 293. An act to repeal the act entitled "An act to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5, 1844, so far as the same relates to the county of Washington;

No. 464. An act to repeal the local laws on the subject of roads and highways in the county of Lawrence;

The House have also concurred in the engrossed amendment of the Senate to the engrossed amendments of the House of Representatives to engrossed bill of the Senate,

No. 63. A bill to authorize the superintendent of the New Albany and Vincennes road to rebuild bridges that have washed away on said road.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the amendment of the title to bill of the House,

No. 75. An act entitled "An act declaring a part of Salt Creek a public highway," approved February 13, 1840;

Mr. Parks, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the House No. 497, making specific appropriations for the year 1847, have, according to order, had the same under consideration, and have made sundry amendments thereto, and when adopted, they recommend its passage.

Amend the bill as follows:

1st. Amend section 3 by striking out "four dollars," and insert in lieu thereof, "three dollars and fifty cents."

2d. Amend section 5 by striking out "two dollars and fifty cents," and inserting in lieu thereof "two dollars."

3d. Amend section 6 by striking out "six," and inserting in lieu thereof "three."

4th. Strike out the 11th section.

5th. Strike out the 29th section.

6th. Strike out the 32d section.

7th. Strike out the 33d section.

8th. Amend section 34 by striking out "seventy-five," and inserting in lieu thereof, "thirty-seven."

9th. Strike out the 39th section.

10th. Strike out the 40th section.

11th. Amend the 41st section by adding the following proviso: *Provided*, The same does not exceed the sum of one hundred dollars for each of said officers.

12th. Strike out the 42d section.

13th. Amend further by adding the following section:

Sec. —. That Charles B. Davis be allowed the sum of twenty-one dollars and twenty-six cents for stationery furnished the Senate during the present session.

14th. Amend further by adding the following sections:

Sec. —. That J. Mansur & Son be allowed the sum of two dollars and twenty-five cents for merchandise furnished for the funeral of the Hon. Abraham Cuppy. Adopted.

Sec. —. That David Craighead be allowed the sum of five dollars and seventy-five cents for stationery, &c. furnished for the use of the Senate during the present session.

SEC. —. That Weaver & Williams be allowed the sum of one dollar and fifty cents for repairs done to the desks and locks in the Senate at the commencement of the present session.

SEC. —. That Wm. H. Hunter be allowed the sum of three dollars for cleaning and regulating clock for the Senate Chamber.

SEC. —. That E. J. Peck be allowed the sum of two dollars for four yards of black crape. Adopted.

SEC. —. That Noel, Browning, & Co., be allowed the sum of fifteen dollars and fifty cents for stationery furnished the Senate during the present session. Adopted.

SEC. —. That D. V. Cully be allowed the sum of six dollars for assistance rendered in making tract books for lands granted by Congress to complete Wabash canal, in July, 1845. Adopted.

SEC. —. That John Byrkit be allowed the sum of five dollars for a wheelbarrow for the use of the State in December, 1846.

SEC. —. That S. J. Wade be allowed the sum of five dollars and ninety-eight cents for stationery furnished the Senate during the present session. Adopted.

SEC. —. That C. & J. Cox be allowed the sum of two dollars and twenty-five cents for two fire fenders for stoves in the Senate Chamber.

15th. Amend further by adding the following section:

SEC. —. That John D. Defrees be allowed the sum of twelve dollars for printing 500 copies of a bill of the Senate. Adopted.

The first and second amendments proposed were adopted.

The question being on the adoption of the 3d amendment,

The ayes and noes were demanded thereon by two Senators; and,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Day, English, Goodenow, Green, Hamrick, Hardin, Henry, Howell, Milligan, Morgan, Montgomery, Orth, Parks, Read, Rockhill, Simpson, Stockwell, Verbribe, Waters, and Zenor—25.

Those who voted in the negative are,

Messrs. Barbour, Bowers, Davis, Ellis, Hamer, Handy, Holloway, Marsh, Osborn, and Winchell—10.

So the amendment was adopted.

The 4th and 5th amendments were adopted.

The 6th amendment was not adopted.

Mr. Parks moved to amend the 32d section as follows:

Provided, however, said several persons mentioned in this section shall not have received the said several amounts above allowed from the general government of the United States before payment thereof by the State Treasurer, who may require their affidavits to that effect as proof that such payments have not been made. *And provided*

further, that if their said several amounts, or any of them, or any part thereof, shall afterwards be allowed by the proper officers of the general government they shall be paid into the State Treasury.

Which was adopted.

The 7th amendment was adopted.

The 8th amendment was not adopted.

On motion by Mr. Verbribe,

The vote was re-considered by which the 7th amendment was adopted.

The amendment was not then adopted.

The 9th and 10th amendments were adopted.

Mr. Handy moved to amend the 11th amendment by striking out "100," and inserting "\$200."

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Bowers, Chenowith, Davis, Day, Ellis, English, Handy, Holloway, Howell, Marsh, Orth, Osborn, Parks, Robinson, Rockhill, Stewart, and Verbribe—19.

Those who voted in the negative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Clements, Coffin, Edmonston, Goodenow, Green, Hamer, Hamrick, Hardin, Henry, Jackson, Milligan, Milliken, Morgan, Montgomery, Read, Simpson, Stockwell, and Zenor—21.

So the amendment was not adopted.

Mr. Handy then moved to strike out "\$100," and insert "\$150;"

Which motion did not prevail.

Mr. Osborn moved to amend the amendment by adding thereto the word "annually."

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Bowers, Chenowith, Clements, Coffin, Davis, Ellis, English, Goodenow, Green, Handy, Holloway, Howell, Marsh, Orth, Osborn, Stewart, Verbribe, and Zenor—21.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Day, Edmonston, Hamrick, Hardin, Henry, Jackson, Milligan, Milliken, Morgan, Montgomery, Parks, Read, Rockhill, Simpson, Stockwell, and Waters—18.

So the amendment was adopted.

The amendment as amended was then adopted.

The 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, and 24th amendments were adopted.

Mr. Morgan then moved to amend the bill as follows:

Amend section 25 by striking out the words "fifty-two dollars and fifty cents," and insert "forty dollars;"

Which amendment was not adopted.

Mr. Bowers then moved to amend the bill by inserting in the proper place the following:

The Hon. William Rockhill be authorized to receive and receipt for the same from the Treasurer of State, and pay the same over to the said Mrs. Cuppy;

Which was adopted.

Mr. Edmonston offered the following amendment to the bill:

SEC. — That Henry W. Barker, sheriff of Dubois county, be allowed the sum of fifteen dollars for that amount paid by him for medical services rendered to a convict while conveying him to the Penitentiary;

Which was adopted.

Mr. Morgan moved to amend the bill as follows:

SEC. — That for issuing a commission under the 12th section of the 9th chapter of the Revised Statutes of 1843, a fee of one dollar; for issuing the appointment of notary public, a fee of fifty cents; and for issuing a pardon, or remission, a fee of fifty cents; and no more shall be paid to the Secretary of State by the persons for whom the services were rendered, their agent or attorney; and all acts or parts of acts conflicting with this section, are hereby repealed;

Which was not adopted.

Mr. Osborn moved to amend the bill as follows:

Add the following section:

SEC. — To Joseph P. Smith, of Lake county, the sum of one hundred and eighty-six dollars and thirty-nine cents, for money expended by him in organizing the Lake county Rangers for the war with Mexico.

On the adoption of the same,

The ayes and noes were demanded by two Senators.

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Berry of Monroe, Chenowith, Clements, Coffin, Davis, Day, English, Green, Henry, Holloway, Howell, Jackson, Marsh, Milligan, Milliken, Orth, Osborn, Parks, Rockhill, Simpson, Stockwell, Waters, and Winchell—26.

Those who voted in the negative are,

Messrs. Berry of Franklin, Bowers, Ellis, Hamer, Hamrick, Handy, Hardin, Morgan, Read, Robinson, Stewart, Verbribe, and Zenor—13.

So the amendment was adopted.

Mr. Hardin moved the previous question;

Which was seconded by the Senate.

The main question was ordered to be put.

On motion by Mr. Davis,

The vote was reconsidered on ordering the main question to be now put.

On motion,

The rules were suspended and the bill as amended read a third time and passed.

Mr. Milligan, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have examined and compared Senate bills Nos. 256 and 107, and find them correctly enrolled.

MR. PRESIDENT:

The committee on enrolled bills have examined Senate bill No. 196, and find it correctly enrolled.

On motion,

The Senate adjourned.

TUESDAY MORNING, JANUARY 26, 1847.

The Senate assembled.

The journal of the preceding day was read.

Mr. Coffin moved that there be a call of the Senate.

Which was ordered.

On motion by Mr. Edmonston,

The further call was suspended,

And the Senate took up the following message from the House of Representatives:

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MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in engrossed amendments of the Senate to Nos. 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, and 18, without amendment, and have concurred in amendments to Nos. 5 and 6, with amendments, and have refused to concur in amendment No. 16, to engrossed bill of the House

No. 353. An act supplementary to "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19, 1846.

In which amendments the concurrence of the Senate is respectfully requested.

The question recurring upon concurring in the first amendment of the House to the amendment of the Senate,

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Handy, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stockwell, Verbriek, and Zenor—26.

Those who voted in the negative are,

Messrs. Barbour, Hardin, Holloway, Stewart, and Waters—5.

No quorum voting, the amendment was not concurred in.

Leave being granted,

Mr. Davis offered the following resolution:

Resolved, That when there is a call of the Senate the names of the absentees shall be entered upon the journal by the secretary.

Which was adopted.

Mr. Handy moved that there be a call of the Senate.

Which was ordered.

And it appeared that the following gentlemen were absent:

Messrs. Bowers, Day, Ellis, Goodenow, Jackson, Marsh, Milligan, Morgan, Murphey, Orin, Robinson, and Winchell.

On motion by Mr. Edmonston,

The further call was suspended.

The question then recurring upon concurring in the first amendment of the House,

The ayes and noes were demanded thereon by two Senators:

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coffin, Davis, Edmonston, English, Goodenow, Green, Hamer, Hamrick, Handy, Henry, Howell, Milliken, Montgomery, Osborn, Parks, Read, Rockhill, Simpson, Stockwell, Taber, Verbriek, and Zenor—28.

Those who voted in the negative are,

Messrs. Barbour, Hardin, Holloway, Stewart, and Waters—5.

So the amendment was concurred in.

The second amendment of the House was then concurred in.

Mr. Milliken moved that the Senate recede from their amendment in which the House refused to concur;

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Berry of Monroe, Chenowith, Clements, Coffin, Davis, Edmonston, English, Green, Hamer, Hamrick, Handy, Henry, Howell, Milliken, Montgomery, Osborn, Read, Simpson, Stockwell, Verbriek, and Zenor—25.

Those who voted in the negative are,

Messrs. Barbour, Goodenow, Hardin, Holloway, Rockhill, Stewart, Taber, and Waters—8.

So the Senate receded.

On motion by Mr. Davis,

House bill, No. 511, was taken from the messages, and read three several times, the rules being suspended, and passed.

On motion by Mr. Osborn,

House bills Nos. 403, 402, 411, 432, and 458, were taken from the messages, and read three times, the rules being suspended, and passed.

On motion by Mr. Taber,

The Senate bill, No. 207, was then taken from the table, and read a third time.

The question being on its passage,

The ayes and noes were demanded by Messrs. Rockhill and Taber:

Those who voted in the affirmative are,

Messrs. Barbour, Davis, English, Goodenow, Hamer, Hamrick, Holloway, Milliken, Montgomery Osborn, Parks, Simpson, Stewart, and Waters—14.

Those who voted in the negative are,

Messrs. Allison, Clements, Coffin, Edmonston, Green, Handy, Hardin, Henry, Howell, Read, Rockhill, Stockwell, Taber, Verbrike, and Zenor—15.

No quorum voting, the bill was not passed.

On motion by Mr. Davis,

The bill was then laid upon the table.

The following sealed message was received from His Excellency, the Governor:

EXECUTIVE DEPARTMENT, }
January 26, 1847. }

Gentlemen of the Senate:

I hereby nominate to you for appointment, Thomas L. Smith, as a Judge of the Supreme Court of the State of Indiana, to hold the said office of judge as aforesaid, for the term of seven years, if he shall so long behave well—the said term to commence at the end of the present session of the General Assembly of said State, at which time the present commission of Charles Dewey will expire; to which nomination for appointment of the said Thomas L. Smith, as a judge of said court as aforesaid, the advice and consent of the Senate are respectfully asked.

JAMES WHITCOMB.

On motion by Mr. Read,

The Senate proceeded with closed doors to the consideration of said message.

Mr. Hardin moved to lay the same upon the table.

Which motion did not prevail.

Mr. Berry of Monroe offered the following resolution:

Resolved, That the Senate do advise and consent to the nomination of Thomas L. Smith as judge of the supreme court of Indiana, for the term of seven years from and after the adjournment of the present session of the General Assembly of Indiana.

The ayes and noes being demanded on the adoption of the same by Messrs. Davis and Holloway,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Franklin, Berry of Monroe, English, Green, Handy, Hardin, Henry, Howell, Milliken, Parks, Read, Rockhill, and Waters—14.

Those who voted in the negative are,

Messrs. Barbour, Beard, Chenowith, Clements, Davis, Goodenow,

Hamer, Hamrick, Holloway, Montgomery, Osborn, Simpson, Stewart, Verbrike, and Zenor—15.

No quorum voting, the resolution was not adopted.

On motion by Mr. Parks,

The message was then laid upon the table.

Mr. English moved that the Senate do now adjourn.

And the ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Chenowith, Coffin, Edmonston, English, Hamer, Handy, Holloway, Montgomery, Parks, Read, Rockhill, Simpson, and Stewart—16.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Clements, Davis, Goodenow, Green, Hamrick, Hardin, Henry, Howell, Milliken, Osborn, Verbrike, and Zenor—14.

And the Senate adjourned until two o'clock, P. M.

2 o'clock, P. M.

Senate met.

Mr. Clements moved to take from the messages, House bill, No. 450. An act making general appropriations for the year 1847. Which was agreed to.

The bill was then read three several times, the rules being suspended, and passed.

On motion by Mr. Read,

House bill No. 314, was taken from the files, and read a third time and passed.

On motion by Mr. Rockhill,

Senate bill No. 268, was taken from the files, read a third time and passed.

Messages from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bills of the Senate, without amendment:

No. 179. An act to extend the privileges of the State library to the benevolent institutions of the State;

No. 234. An act to locate a State road therein named;

No. 211. An act to incorporate the town of Point Commerce, in Greene county;

No. 276. A bill to vacate certain streets and alleys in Williamstown, Decatur county;

Mo. 271. An act to refund to the several branches of the State Bank of Indiana the amounts advanced by them to aid the transporting the volunteers to New Albany;

No. 183. An act to locate a State road in the counties of Whitley, Noble, and Kosciusko;

No. 180. An act to incorporate the Perrysville seminary;

No. 185. An act defining the duties of the treasurer, auditor and supervisors of highways in the county of Dearborn;

No. 184. An act to establish a State road in the county of Jay;

No. 195. A joint resolution authorizing the printing of certain acts with the laws of this session;

No. 267. An act to incorporate the Jefferson Industrial and Literary Institute;

No. 203. An act to authorize the suing out a writ of ad quod damnum in a certain case therein named;

No. 259. An act to incorporate the City of Jeffersonville;

No. 235. An act to amend an act to provide for the construction of a railroad from Martinsville, in Morgan county, to Franklin, in Johnson county;

No. 92. An act to give to married women power to make wills, and to repeal section 9, chapter 30, of the Revised Statutes of 1843;

No. 151. An act to repeal an act more effectually to enable supervisors to open and keep in repair roads and highways;

No. 229. An act to authorize George W. Lane, administrator of the estate of Arthur St. Clair, to purchase property at his own sale;

No. 269. A bill to authorize the auditor of Henry county to establish a ferry;

No. 233. An act authorizing the county commissioners of Hamilton county to make an additional allowance to the auditor of said county;

No. 196. An act defining the duties of State Agent;

No. 242. An act making allowance to the Adjutant General of the Indiana militia, the Secretary of State, and Quartermaster General.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills and joint resolutions:

No. 452. An act to incorporate the Greensburgh and Napoleon Turnpike Company;

No. 453. An act making an appropriation to J. R. Pratt & Co. for the erection of the new State Prison.

No. 429. An act changing the time of holding the probate court in Jefferson county;

No. 397. An act to change the name of Ann Amanda Woodward;

No. 390. An act to repeal an act entitled, an act to regulate the attendance of grand and petit jurors in the fifth judicial circuit, so far as the same relates to the counties of Hendricks, Hamilton, and Hancock;

No. 463. An act for the relief of Andrew Wilson;

No. 331. An act to incorporate the Covington Draw-bridge Company;

No. 463. An act to incorporate the Terre Haute and Richmond Railroad Company;

No. 398. An act to authorize Michael English to build a mill dam across the Salamania river in Wabash county;

No. 130. An act granting to probate judges in this State the right of taking acknowledgments of deeds and other instruments in writing, and for other purposes;

No. 400. An act relative to the seminary funds in Laporte county;

No. 451. A joint resolution legalizing the acts of Benjamin A. Allison, administrator of the estate of Amasa Jocelin, late of Owen county, deceased;

No. 388. An act authorizing the county commissioners of Noble county to make an allowance to the treasurer of said county for collection of road receipts;

No. 376. An act for the relief of the White Water Valley Canal Company;

No. 440. An act to vacate a certain alley in the town of Greencastle;

No. 456. An act to legalize certain of the official acts of Solomon M. Semans, a justice of the peace, of Randolph county;

No. 449. An act for the relief of William Smith;

No. 377. An act relative to overseers of the poor in Floyd county.

No. 445. A joint resolution relative to the removal of the remains of the late Hon. Tilghman A. Howard;

No. 462. An act to authorize the commissioner of the reserved townships of college lands to make a deed to certain lots therein named;

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the Senate:

No. 141. An act to vest the title to land in the heirs, devisees, or

assignees of the purchasers of lands in certain cases where said purchaser has died or shall hereafter die, before the date of the patent or deed of conveyance;

No. 153. An act to vacate a road in the town of Lawrenceburg;

No. 267. An act to incorporate the Jefferson Industrial and Literary Institute;

No. 185. An act defining the duties of the treasurer, auditor, and supervisor of highways in the county of Dearborn;

No. 159. An act to amend the eighth section of an act regulating the fees and salaries of the several persons therein named, approved February 7, 1831;

No. 176. An act for the relief of persons therein named;

No. 181. An act for the relief of county treasurers;

No. 118. An act relating to retailing intoxicating liquors in Laporte county;

No. 261. An act providing for the opening of a State road in the counties of Dearborn and Ripley;

No. 103. An act to give additional time to the probate court in Monroe county;

No. 151. An act for the location of a State road in the counties of Hendricks, Putnam, and Montgomery;

No. 226. An act to legalize the publication of the delinquent list of Tippecanoe county, and authorizing the sale of delinquent lands on the first Monday in March next;

No. 193. An act to incorporate the Laurel and Moscow Turnpike Company in the counties of Franklin and Rush;

No. 243. An act to amend an act approved January 19, 1846;

No. 163. An act to amend the 15th chapter of the Revised Statutes;

No. 212. An act giving additional powers to the board of county commissioners of Tippecanoe county;

No. 229. An act to authorize George W. Lane, administrator of the estate of Arthur St. Clair, to purchase property at his own sale;

No. 183. An act to locate a State road in the counties of Whitely, Noble, and Kosciusko;

No. 242. An act making additional allowance to the Adjutant General of the Indiana Militia, Secretary of State, and Quartermaster General;

No. 249. An act to amend an act entitled "An act declaratory of the meaning of the 29th section of the 3d article of the 31st chapter of the Revised Statutes of 1843;

No. 241. An act to authorize a trustee to order elections of trustees in the town of Washington;

No. 269. An act to authorize the auditor of Henry county to establish a ferry;

No. 232. An act to locate a certain State road therein named;

No. 243. An act to authorize the trustees of township five south, of range five east, in Harrison county, to subdivide the township;

No. 220. An act to vacate certain streets and lots in the town of New London, in the county of Daviess;

No. 92. An act to give married women power to make wills and to repeal section 9, of chapter 30, of Revised Statutes of 1843;

No. 215. An act to authorize the probate judges of the counties of Decatur, Dearborn, Fountain, and Laporte, to grant writs of habeas corpus;

No. 214. An act to amend an act entitled "An act for the relief of Charles Purcell, late collector of Posey county, approved January 8th, 1842;

No. 169. An act to incorporate the Fort Wayne and Cambridge City Railroad Company;

No. 177. An act fixing a certain annual compensation to the auditor of Madison county;

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills thereof:

No. 95. An act to incorporate the Delphi Manufacturing Company;

No. 142. An act requiring the supervisors of roads in Sullivan county to make report at the March term in each year, and for other purposes;

No. 474. An act to legalize the election of Mayor and Common Council of the town of Delphi;

No. 483. An act to provide for the applying of the three per cent fund due to the county of Ripley to the improvement of certain roads therein named;

No. 387. An act to amend an act entitled "An act for the relief of the securities of William H. Darnell, late school commissioner of Hendricks county," approved January 19, 1846;

No. 346. An act to incorporate the City of Indianapolis;

No. 412. An act to establish a State road in Hamilton county;

No. 369. An act to amend an act entitled "An act to incorporate the New Albany and Corydon turnpike company, approved January 20, 1846;

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Se-

nate, that the House have concurred in all the engrossed amendments of the Senate to engrossed bill of the House,

No. 497. An act making specific appropriations for the year 1847. Without amendment.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate, without amendment:

No. 278. An act to revive and amend an act entitled "An act to incorporate the town of Pendleton, in Madison county," approved February 15, 1839;

No. 279. An act to authorize the auditor and school commissioner of Jay county to sell school lands in said county;

And that the House have also concurred in the engrossed amendments of the Senate to engrossed bill of the House,

No. 110. An act to change the time of holding courts in the 7th judicial circuit, and for other purposes;

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills thereof:

No. 430. An act to provide for the settlement of the accounts of commissioners heretofore appointed to expend a portion of the three per cent. fund in Orange county;

No. 482. An act to authorize the clerks of the circuit and probate courts of Lawrence county to use new seals;

No. 490. An act legalizing the acknowledgments of deeds taken by the probate judges of Knox and Delaware counties;

No. 358. An act to quiet the titles of lands in Clark's grant;

No. 477. An act entitled "An act to extend an act for the preservation of sheep," approved January 25, 1841, and the amended act thereto, approved February 9, 1843;

No. 293. An act to incorporate the Logansport and Wabash Free Bridge Company;

No. 424. An act to establish a free turnpike road in the counties of Allen, Whitley, Kosciusko, and Marshall;

No. 293. An act to repeal the act, entitled "An act to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5, 1844, so far as the same relates to the county of Washington;

No. 418. An act to establish public highways in the county of Boone;

No. 380. An act to raise a State revenue for State purposes for 1847;

No. 394. An authorizing the trustees of school district No. 5, in township 37 north, of range three east, in St. Joseph county, to levy a tax to build a school house;

No. 484. An act authorizing suits to be commenced in the Knox circuit court in certain cases;

No. 401. An act to authorize the auditor of Harrison county to make a deed therein named;

No. 480. An act to vacate a part of the town of Milford, in Kosciusko county;

No. 472. A joint resolution in relation to the Buffalo and Mississippi railroad;

No. 426. An act to provide for the election of an additional justice of the peace, in Jackson township, Wayne county, Indiana;

No. 298. An act more fully to explain the 54th section, chapter 16th, of the Revised Code of 1843;

No. 385. An act to amend the act incorporating the town of Connersville, in the county of Fayette, approved February 15, 1841;

No. 42. An act allowing John Briggs a certain sum for his attendance as a witness in the Johnson impeachment case;

No. 496. An act to repeal a part of section 38, chapter 47, article 4, of the Revised Statutes of 1843, as far as St. Joseph county is concerned, and for other purposes;

No. 468. An act to constitute Carlisle and vicinity a road district, No. —.

No. 416. An act for the relief of James Boyer, of Clark county;

No. 419. An act to change the name of the town of New York, in Switzerland county, in the State of Indiana;

No. 354. An act authorizing the Governor to contract for the completion of the State Prison, and for other purposes.

Which I am directed to bring to the Senate for the signature of the President thereof.

A message from His Excellency, the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he did, on this day, approve and sign the following bills:

No. 196. An act defining the duties of State Agent;

No. 68. An act fixing the time of holding the Marion circuit court and the commencement of the courts in the counties of Johnson, Hamilton, Hendricks, and Boone;

No. 107. An act to amend the charter of the Milford and Columbus Railroad Company;

No. 190. An act to abolish the office of school commissioner in the county of Jefferson;

No. 156. An act to repeal an act, entitled "An act to incorporate the Morgan County Seminary," approved Feb. 7, 1838;

No. 167. An act to authorize the auditor and school commissioner of Jay county to sell the school section in township No. 24 north, of range 14 east, in said county:

No. 160. An act to change the name of the town of Canton, in Tipton county;

No. 257. An act to amend an act, entitled "An act to incorporate the City of New Albany, and to repeal all laws now in force incorporating the town of New Albany," approved February 14, 1839;

No. 93. An act to incorporate the Lafayette Hydraulic Company.

All of which originated in the Senate.

Mr. Allison, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills to which was referred enrolled bills of the Senate Nos. 261, 103, 118, 141, 159, 176, 151, 181, 153, 267, and 185, have compared the same with the engrossed, and find them correctly enrolled.

Mr. Berry of Monroe, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed bills of the Senate, Nos. 169, 177, 243, 214, 215, 92, 220, 232, 243, 269, 241, 193, 226, 249, 212, 229, 424, 183, 163, and 242, and find them correctly enrolled.

Mr. Henry, chairman of the committee on benevolent institutions, made the following report:

MR. PRESIDENT:

A majority of the committee on benevolent institutions of the State, to whom was referred bill of the House No. 414, have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

Mr. Hardin, from the same committee, made the following counter report:

MR. PRESIDENT:

The undersigned, one of the committee on the benevolent institutions of the State, to whom was referred bill of the House No. 414, "An act to authorize the erection of an institution for the deaf and dumb," objects to the action of a majority of said committee by which said bill was directed to be reported to the Senate with a recommendation that it be passed into a law.

The first section of this bill authorizes the trustees of said institution "to commence the erection of the buildings necessary for said institution, in accordance with the general plan of said buildings, drawn by R. G. and O. P. Hatfield," &c.

The trustees aforesaid, when they exhibited to the committee the plan for the erection of said Asylum, stated that the cost of the *building alone*, on such plan, would cost the State of Indiana the enormous sum of 28,000 dollars at New York prices.

Again: The sixth section of said bill authorizes the trustees, in conjunction with the principal of said Asylum, to lay off the ground around said Asylum, and improve the same, in accordance with the plan adopted; and further, to ornament the same with such shrubbery, ornamental and fruit trees, as will be of permanent advantage to said grounds.

What amount will be sufficient to carry out the provisions of this section, where the amount of ground to be improved amounts to 84 acres, the undersigned will not stop to estimate.

The undersigned, far from being opposed to, has proven by his actions for the last four years an invariable attachment, an unwavering support, for the rise, progress, and perpetuity of this institution. But while his sympathies are thus elicited in behalf of the unfortunate mute, he forgets not that this institution is supported by supplies drawn from the hard earnings of the people. And while he is willing to vote for such amount as may be necessary to erect plain and substantial buildings, and afford to this unfortunate portion of the community food, raiment, and instruction, yet it must be with the assurance that every expense incurred by the institution is necessary to these objects.

The undersigned, therefore, protests against the passage of this bill, by which the foundation will be laid for further appropriations and further expenditures to an amount intolerable to a people already too heavily taxed.

FRANKLIN HARDIN.

Mr. Hardin also proposed to amend the bill as follows:

Amend by inserting in the proper place,

Provided, however, That the trustees of said institution shall not be at liberty to adopt any plan whatever by which the cost of such Deaf and Dumb Asylum, when completed, shall exceed the sum of 10,000 dollars.

Which amendment was not adopted.

On motion by Mr. Henry,
The rules were suspended, and the bill read a third time.
On the passage of the bill,
The ayes and noes being demanded by two Senators:

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Beard, Chenowith, Clements, Coffin, Davis, Goodenow, Hamer, Hamrick, Henry, Holloway, Montgomery, Osborn, Rockhill, Simpson, Stewart, and Verbriek—18.

Those who voted in the negative are,

Messrs. Berry of Franklin, Berry of Monroe, Edmonston, Handy, Hardin, Howell, Milliken, Parks, Read, Waters, and Zenor—11.

No quorum voting, the bill was not passed.

On motion by Mr. Berry of Monroe,
The following messages from the House of Representatives were taken up and considered:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills and joint resolutions of the Senate, without amendment:

No. 251. A joint resolution to suspend a part of a certain act therein named;

No. 230. An act declaring Big Blue river in Rush county a public highway;

No. 231. An act authorizing the school trustees of township nine, range two west, in Franklin county, to sell certain real estate;

No. 232. An act to locate a certain State road therein named;

No. 236. An act to incorporate the Evangelical Lutheran St. Paul's Church, in Indianapolis;

No. 240. An act to locate a State road in the counties of Lake and Porter;

No. 225. An act to authorize the judge of the probate court of Shelby county to take the acknowledgments of deeds and other instruments of writing, and to grant and try writs of *habeas corpus*;

No. 227. An act to legalize certain deeds;

No. 212. An act giving additional powers to the board of commissioners of Tippecanoe county;

No. 214. An act to amend an act entitled "An act for the relief of Charles Purcell, late collector of Posey county," approved January 8, 1842;

No. 226. An act to legalize the publication of the delinquent list

of Tippecanoe county, and authorizing the sale of delinquent lands on the first Monday in March next;

No. 169. An act incorporate the Fort Wayne and Cambridge City Railroad Company;

No. 193. An act to incorporate the Laurel and Moscow Turnpike Company, in the counties of Franklin and Rush;

No. 241. An act to authorize a trustee to order elections of trustees in the town of Washington;

No. 243. An act to amend an act, approved January 19, 1846;

No. 215. An act to authorize the probate judges of the counties of Decatur, Dearborn, Fountain, and Laporte to grant writs of *habeas corpus*;

No. 177. An act fixing a certain annual compensation to the auditor of Madison county;

No. 220. An act to vacate certain lots and streets in the town of New London, in the county of Daviess;

No. 243½. An act to authorize the trustees of township number five south, of range five east, in Harrison county, to subdivide the township;

No. 249. An act to amend an act entitled "An act declaratory of the meaning of the 29th section of the third article of the 31st chapter the Revised Statutes of 1843;"

No. 238. An act to incorporate the Belmont Manufacturing Company;

No. 273. An act to vacate a part of the town of Far West, in Johnson county;

No. 263. An act authorizing the Governor of this State to appoint a probate judge *pro tempore*, in the county of Monroe;

No. 178. An act to provide for ascertaining a part of the boundary line between the counties of Cass and Miami;

No. 199. An act to allow widows to avail themselves of the law allowing one hundred and fifty dollars of their husbands' effects.

No. 275. A bill empowering Rachael Blair, administratrix of the estate of Enoch Blair, deceased, formerly sheriff and collector of Monroe county, to collect arrears of taxes.

The House have also passed the following engrossed bills and joint resolution of the Senate, with amendments:

No. 35. An act to provide for the election of township assessors in certain counties therein named, and defining their duties;

No. 120. A joint resolution on the subject of the improvement of harbors and rivers;

No. 164. An act to authorize county auditors to sell lands at private sale which have been bid in for the use of the school fund;

In which amendments the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill thereof:

No. 508. An act for the relief of the administrators of the estate of Enoch Barlow, late of Hendricks county, Indiana;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill and joint resolution thereof:

No. 513. A joint resolution relative to international literary exchanges;

No. 515. An act for the location of a State road in the counties of Dubois and Martin;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the engrossed amendments of the Senate to the following engrossed bill of the House:

No. 173. An act in relation to that portion of the northern division of the Central Canal which lies between Broad Ripple in Marion county and the Bluffs in Morgan county.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bills of the Senate, with amendments:

No. 56. A bill declaring the meaning of sections 143 and 145 of chapter 40 of the Revised Acts of 1843;

No. 14. An act to enable executors and administrators to settle estates;

No. 102. An act relative to executors;

No. 166. An act to change a certain State road therein named in the counties of Lawrence and Monroe;

No. 172. An act fixing an annual compensation to the auditor of Delaware county;

No. 248. An act to change the time of holding the February term of the probate court in the county of Johnson;

No. 52. An act to amend the practice in the probate court;

No. 122. A bill to amend an act entitled "An act to incorporate the Michigan Road Company," approved January 13, 1845, and an act entitled "An act to amend an act to incorporate the Michigan

Road Company, approved January 13, 1845," approved January 19, 1846;

In which amendments the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House of Representatives have concurred in the engrossed amendment of the Senate to the following engrossed bill of the House, with an amendment:

No. 455. An act to abolish the office of school commissioner in Sullivan county;

In which amendment the concurrence of the Senate is respectfully requested.

And that the House have refused to concur in the engrossed amendment of the Senate to engrossed bill of the House,

No. 238. An act to amend the turnpike road charter from Cambridge City to Muncietown, approved January 11, 1845.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 516. A bill to require the General Superintendent of the Wabash and Erie canal to give credits in certain cases;

No. 517. An act to allow persons to go to mill on the St. Joseph feeder with canoes and pirogues free of toll;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill;

No. 415. An act to amend certain laws therein named;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed joint resolution thereof:

No. 518. A joint resolution allowing the Adjutant General such pay as the Governor and Secretary of State shall certify to be right;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills and joint resolution thereof:

No. 509. A bill for the vacation of certain streets and alleys in the town of Wellington, Marion county, Indiana;

No. 510. A joint resolution in regard to the Indiana hospital for the insane, the deaf and dumb asylum, and the institution for the education of the blind;

No. 389. A bill for the relief of John Zulauf;

No. 511. A bill to revive and continue in force an act entitled "An act to incorporate the Mount Carmel and New Albany Railroad Company," approved February 4th, 1837;

No. 88. An act fixing the salary of the Auditor of Miami county;

No. 431. An act regulating the sale of ardent spirits in Randolph county;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills and joint resolution thereof:

No. 439. An act for the relief of Cary L. Goodrich;

No. 454. An act to extend the jurisdiction of justices of the peace in the county of Fayette;

No. 457. An act to prevent the circuit and probate courts in the county of Marion from sitting at the same time;

No. 441. An act for the relief of John Carter, a purchaser of saline lands in Brown county;

No. 450. An act making general appropriations for the year 1847;

No. 486. A joint resolution in relation to the extension of slavery;

No. 498. An act to establish a State road in White and Tippecanoe counties;

No. 500. A bill to incorporate the town of Greenfield, Hancock county;

No. 505. An act to establish a certain State road in the counties of Allen and DeKalb;

No. 501. An act for the benefit of citizens owning farms through which the Wabash and Erie canal passes;

No. 502. A bill fixing the time of holding the May and November terms of the Grant probate court;

No. 504. An act levying additional road tax on lands in Allen county;

No. 436. An act for the relief of the sufferers by the late floods;

No. 499. A bill to incorporate the Blue river and Sugar Creek Bridge Company;

In which the concurrence of the Senate is respectfully requested.

The Senate have concurred in the engrossed amendments of the House to bill of the Senate No. 266;

No. 513 in said message was read a first and second times, the rules being suspended, and,

On motion by Mr. Clements,

Laid upon the table.

No. 515 was read three several times, the rules being suspended, and passed.

The Senate refused to concur in the amendment of the House to Senate bill No. 14.

The Senate have concurred in the amendment of the House to Senate bills Nos. 122, 166, 56, 102, 172, 248, and 52.

On motion by Mr. Handy,

The joint resolution of the House No. 513 was taken from the table, read a third time and passed.

Leave being granted,

Mr. Osborn, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the House No. 369, entitled "An act declaratory of the powers of the president and associate judges to enforce injunctions in vacation," have had the same under consideration, and instructed me to report the same back to the Senate for their consideration.

On motion by Mr. Osborn,

The rules were suspended and the bill read a third time and passed.

Mr. Berry of Franklin, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred House bill No. 425, entitled "A bill for the relief of the first Baptist Church of Logansport," have had that subject under consideration, and as they have no evidence before them to indicate the justice of the bill, they report it back to the Senate for such action as may be thought proper, and ask to be discharged from the further consideration of it.

On motion by Mr. Handy,

The bill was laid upon the table.

Mr. Parks, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance have instructed me to report the following bill, and recommend its passage.

No. 283. A bill in relation to the water power at the Bluffs of White river;

Which was read a first time.

On motion by Mr. Parks,

The rules were suspended, and the bill read a second time.

On motion by Mr. Handy,

The bill was laid upon the table.

The bills in the messages aforesaid of the following numbers, were severally read three times, the rules being suspended, and passed.

Nos. 481, 457, 441, 454, 439, 499, 504, 373, 502, 501, 505, 500, 498, 437, 330, 465, 407, 405, 404, 473, 442, 443, 460, 461, 434, 459, 410, 389, 510, 509, 431, 508, 516, 517, 471, 444, 476, and 494.

No. 486, was read a first and second times, the rules being suspended.

Mr. Handy moved to lay the joint resolution upon the table.

And the ayes and noes being demanded thereon by Messrs. Holloway and Davis,

Those who voted in the affirmative are,

Messrs. Allison, Barbour, Berry of Monroe, Clements, Edmonston, Hamer, Handy, Hardin, Henry, Parks, Read, and Waters—12.

Those who voted in the negative are,

Messrs. Beard, Berry of Franklin, Chenowith, Coffin, Davis, Goodenow, Green, Hamrick, Holloway, Montgomery, Osborn, Rockhill, Simpson, Verbribe, and Zenor—15.

No quorum voting, the bill was laid upon the table.

On motion by Mr. Berry of Franklin,

The joint resolution was amended by striking out the words, "under any circumstances whatever."

The rules were then suspended, and the joint resolution read a third time.

On the passage of the same,

The ayes and noes were demanded by two Senators.

Those who voted in the affirmative are,

Messrs. Allison, Beard, Berry of Franklin, Chenowith, Clements, Coffin, Davis, Goodenow, Green, Hamer, Hamrick, Holloway,

Montgomery, Osborn, Read, Rockhill, Simpson, Stewart, Stockwell, Verbribe, and Zenor—21.

Those who voted in the negative are,

Messrs. Barbour, Berry of Monroe, Handy, Hardin, Henry, Parks, and Waters—7.

No quorum voting, the joint resolution was not passed.

No. 466, was read a first and second times, the rules being suspended, and referred to the committee on the State Bank.

Nos. 400 and 381, were each read a first and second times, the rules being suspended; and,

On motion,

Laid upon the table.

No. 88 was read a first and second times, the rules being suspended.

Mr. Davis proposed to amend the bill as follows:

Provided, however, Nothing herein contained shall be so construed as to deprive said auditor of any perquisites paid by individuals.

Which was adopted.

The rules were suspended, and the bill read a third time, and passed.

Nos. 518 and 485, were severally read a first and second times, and ordered to a third reading.

The Senate concurred in the amendments of the House to bills of the Senate of the following numbers, viz:

Nos. 35, 164, 120, and insisted on their amendment to House bill No. 238.

No. 435, was read three times, and no quorum voting, it was not passed.

No. 488, was read a first and second times, and laid upon the table.

Mr. Edmonston, chairman of the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred sundry petitions, resolutions, and bills, find that they have not time to examine the various subjects, and they therefore report them back to the Senate and ask to be discharged from further consideration thereof, and recommend that they be laid upon the table.

Which report was concurred in.

Mr. Clements, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill of the House No. 192, have had the same under consideration, and have instructed me to report the same back for the consideration of the Senate.

On motion,

The rules were suspended, and the bill read a third time and passed.

Mr. Osborn, from the committee on the State Bank, made the following report:

MR. PRESIDENT:

The committee on the State Bank to which was referred bill of the House No. 466, have considered it, and instructed me to report the same back to the Senate with the following amendment, and when so amended, recommend its passage; and said committee ask to be discharged from the further consideration thereof.

Add to the sixth section the following:

"And the laws in force on that subject previous to the passage of said act, be and the same are hereby revived.

Which report was concurred in, and the amendment adopted.

On motion,

The rules were suspended, and the bill read a third time, and passed.

Mr. Milliken offered the following resolution:

Resolved, That when the Senate adjourns, it will adjourn to meet at seven o'clock this evening.

On the adoption of the same,

The ayes and noes were demanded by two Senators; and,

Those who voted in the affirmative are,

Messrs. Allison, Berry of Monroe, Clements, Davis, Green, Hamer, Hamrick, Handy, Henry, Milliken, Parks, Rockhill, Stockwell, Verbrike, Waters, and Zenor—16.

Those who voted in the negative are,

Messrs. Beard, Ellis, Hardin, Marsh, Montgomery, Osborn, Read, and Stewart—8.

No quorum voting, the resolution was not adopted.

Mr. Rockhill offered the following resolution:

Resolved, That R. A. Lockwood, Esq., have leave to withdraw from the files of the Senate the petition and papers of — Lasselle.

Which was adopted.

A message from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have concurred in the engrossed amendment of the Senate to engrossed bill of the House,

No. 466. A bill to authorize the Commissioners of the Sinking Fund to receive substitution of stock mortgages, and for other purposes.

Mr. Allison, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred a resolution of the Senate on the subject of improving the east and west branches of White river, in the same manner that State and county roads are improved, have had the same under consideration, and have directed me to report that legislation on that subject at the present time is inexpedient, as the friends of that measure are unable to agree among themselves.

Mr. Stewart, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have this day presented to his Excellency the Governor, for his approval and signature, bill of the Senate No. 257.

January 26, 1847.

Messages from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills of the House:

No. 346. An act to incorporate the city of Indianapolis;

No. 378. An act to legalize an act of the board of county commissioners of Elkhart county;

No. 386. A joint resolution in relation to granting land to Mr. Whitney to enable him to construct a railroad from Lake Michigan to the Pacific Ocean;

No. 461. An act to repeal the local laws on the subject of roads and highways in the county of Lawrence;

No. 95. An act to incorporate the Delphi Manufacturing Company;

No. 412. An act to locate a State road in Hamilton county;

No. 413. An act to provide for the survey and location of a State road in the county of St. Joseph;

No. 129. An act declaring a certain act therein named to be in force;

No. 142. An act requiring the supervisors of roads in Sullivan county to make report at the March term in each year, and for other purposes;

No. 483. An act to provide for the applying of the three per cent. fund due to the county of Ripley to the improvement of certain roads therein named;

No. 447. An act to incorporate the town of Williamsburgh, Wayne county, Indiana;

No. 571. An act to revive and continue in force an act entitled "An act to incorporate the Mount Carmel and New Albany Railroad Company," approved February 4, 1837;

No. 469. An act for the relief of the treasurer of Johnson county;

No. 432. An act providing for the sale of school section in township 25 north, range 2 east, for the term of 99 years;

No. 411. An act to locate a State road in the counties of Cass and Miami;

No. 458. An act to repeal an act entitled "An act for the relief of the citizens of district No. 3, in congressional township No. 28 north, of range No. 3 east, in Adams township, Cass county," approved January 15, 1846, and for other purposes;

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have concurred in the engrossed amendment of the Senate to bill of the House,

No. 88. A bill fixing the salary of the auditor of Miami county; Without amendment.

On motion,
The Senate adjourned.

WEDNESDAY MORNING, JANUARY 27, 1847.

The Senate assembled.

The journal of the preceding day was read.

On motion by Mr. Marsh,

A call of the Senate was ordered.

Mr. Day was excused from attendance.

The call of the Senate being made, the following are the absentees:

Messrs. Allison, Barbour, Berry of Franklin, Bowers, Clements, Davis, Edmonston, English, Goodenow, Green, Handy, Henry, Holloway, Howell, Jackson, Logan, Miller, Milligan, Milliken, Morgan, Murphey, Orth, Read, Robinson, Simpson, Stockwell, Verbriek, Waters, Winchell, and Zenor—28.

The following message was received from the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate, that he did, on yesterday, approve and sign the following bills:

No. 158. An act in relation to a settlement made by the Agent of State with Leonard, Woodburn, and others;

No. 243. An act to amend an act, approved January 19, 1846;

No. 169. An act to incorporate the Fort Wayne and Cambridge City Railroad Company;

No. 226. An act to legalize the publication of the delinquent list of Tippecanoe county, and authorizing the sale of delinquent lands on the first Monday of March next;

No. 215. An act to authorize the probate judges of the counties of Decatur, Dearborn, Fountain, and Laporte, to grant writs of *habeas corpus*;

No. 269. An act to authorize the auditor of Henry county to establish a ferry;

No. 214. An act to amend an act entitled "An act for the relief of Charles Purnell, late collector of Posey county," approved Jan. 8, 1842;

No. 193. An act to incorporate the Laurel and Moscow Turnpike Company in the counties of Franklin and Rush;

No. 163. An act to amend the fifteenth chapter of the Revised Statutes;

No. 242. An act making additional allowance to the Adjutant General of the Indiana Militia, Secretary of State, and Quartermaster General;

No. 183. An act to locate a State road in the counties of Whitley, Noble, and Kosciusko;

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No. 92. An act to give to married women power to make wills, and to repeal section nine of chapter thirty of the Revised Statutes of 1843;

No. 229. An act to authorize George W. Lane, administrator of the estate of Arthur St. Clair, to purchase property at his own sale;

No. 212. An act giving additional powers to the board of county commissioners of Tippecanoe county;

No. 256. An act to incorporate the Greensburgh and Harrison Turnpike Company;

No. 220. An act to vacate certain streets and lots in the town of New London, in the county of Daviess;

No. 241. An act to authorize a trustee to order elections of trustees in the town of Washington;

No. 249. An act to amend an act entitled "An act declaratory of the meaning of the 29th section of the third article of the 31st chapter of the Revised Statutes of 1843;

No. 432. An act providing for the sale of school section in township 25 north, of range 2 east, for the term of 99 years;

No. 242. An act to authorize the trustees of township five south, of range five east, in Harrison county, to subdivide the township;

No. 261. An act to provide for the opening of a State road in the counties of Dearborn and Ripley;

No. 103. An act to give additional time to the probate court in Monroe county;

No. 118. An act relating to retailing intoxicating liquors in La-porte county;

No. 181. An act for the relief of county treasurers;

No. 151. An act for the location of a State road in the counties of Hendricks, Putnam, and Montgomery;

No. 176. An act for the relief of persons therein named;

No. 159. An act to amend the eighth section of an act regulating the fees and salaries of the several persons therein named, approved February 7th, 1831;

No. 185. An act defining the duties of treasurer, auditor, and supervisors of highways in the county of Dearborn;

No. 232. An act to locate a certain State road therein named;

No. 153. An act to vacate a road in the town of Lawrenceburgh;

No. 267. An act to incorporate the Jefferson Industrial Institute;

No. 177. An act fixing a certain annual compensation to the auditor of Madison county;

No. 141. An act to vest the title to land in the heirs, devisees, or assignees of the purchasers of lands in certain cases, where said purchaser has died or shall hereafter die before the date of the patent or deed of conveyance;

All of which originated in the Senate.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate that the Speaker of the House has signed the following enrolled bills of the House:

No. 497. An act making specific appropriations for the year 1847;

No. 173. An act in relation to that portion of the northern division of the Central Canal between Broad Ripple, in Marion county, and Waverly, in Morgan county;

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 523. An act authorizing the board of commissioners of Monroe county to levy a tax for the construction of bridges in said county;

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insist on their refusal to concur in the engrossed amendment of the Senate to the following engrossed bill of the House:

No. 238. An act to amend the turnpike road charter from Cambridge City to Muncietown, approved January 11, 1845; and that Messrs. Dole and Harvey have been appointed a committee of conference on the part of the House.

The House insist on their amendment to the amendment of the Senate to bill of the House,

No. 455. An act to abolish the office of school commissioner in Sullivan county.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills of the House:

No. 88. An act fixing the salary of the auditor of Miami county;

No. 334. An act to provide for the improvement of county libraries;

No. 370. An act to amend the acts now in force in regard to sending students to the State University;

No. 374. An act declaring Little Blue river a public highway, in Rush county;

No. 403. An act to amend an act entitled "An act to incorporate the Eel River Seminary Society," approved January 1, 1829, and for other purposes;

No. 402. An act for the relief of the estate of William N. Hood, deceased;

No. 344. An act to authorize the formation of voluntary associations;

No. 436. An act for the relief of the sufferers by the late flood; Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate, without amendment:

No. 268. An act to declare a certain act in force;

And that the House have also passed the following engrossed bill thereof:

No. 519. An act the better to keep members of the General Assembly from abandoning their seats and breaking a quorum;

In which the concurrence of the Senate is respectfully requested.

Mr. Ellis moved to reconsider the vote upon insisting upon the amendment of the Senate to bill of the House abolishing the office of school commissioner of Sullivan county;

Which vote was reconsidered.

Mr. Ellis then moved that the Senate recede from that amendment so far as relates to Knox county;

Which motion prevailed.

Mr. Berry of Monroe moved to take up the messages of the House.

Which was agreed to.

No. 523. (House.)

Which was read a first time; and,

On motion by Mr. Berry of Monroe,

The rules were suspended and the bill read a second and third times and passed.

Mr. Osborn, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred Senate bill No. 217, entitled "A bill giving jurisdiction to justices of the peace in certain criminal causes," have had the same under consideration and instructed me to report the same to the Senate for their consideration.

Said bill was read a first time, and rules suspended and read a second time.

Mr. Osborn moved to amend as follows:

Strike out the sixth section.

Which was adopted.

The rules were suspended, and the bill read a third time and passed.

Mr. Osborn moved to suspend the rules, and read the bill a third time; and

The ayes and noes being demanded thereon by two Senators,

Those who voted in the affirmative are,

Messrs. Beard, Berry of Franklin, Berry of Monroe, Chenowith, Coffin, Hamer, Hamrick, Hardin, Henry, Montgomery, Osborn, Parks, Rockhill, Stewart, and Verbriek—15.

Those who voted in the negative are,

Messrs. Ellis and Marsh—2.

So the rules were not suspended.

On motion by Mr. Osborn,

The rules were suspended, and said bill read a third time and passed.

No. 283.

Mr. Parks moved to amend said bill by inserting three hundred dollars, in lieu of five hundred dollars, as the pay of the private secretary of the Governor.

Mr. Berry of Monroe, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads to whom was referred bill of the House No. 322, in relation to the location of a State road therein named, have directed me to report the same back to the Senate, and ask that it be laid on the table.

Which was laid on the table.

Mr. Hamer moved to take up, of the bills contained in the messages of the House, the joint resolution relative to keeping in force the law authorizing the opening of polls to vote for or against a convention to revise the Constitution of this State.

Upon the calling the ayes and noes, there not being a quorum, said motion of Mr. Hamer failed.

Mr. Stewart moved to take up the bill making an appropriation for the deaf and dumb asylum.

Upon the calling of the ayes and noes, a quorum not being present, said motion failed.

On motion by Mr. Hamrick,

The bill was laid on the table.

Mr. Berry of Franklin asked leave to make a report, which he stated he had prepared for the adoption of a select committee, but which committee had departed, and were now absent, by reason of which he had not had the opportunity of laying it before them.

The President decided that it could be received.

Mr. Berry of Franklin then offered his protest against such decision, which the Senate decided was out of order, and therefore could not be received.

Mr. Berry of Franklin then presented his protest against said action of the Senate in so deciding against the reception of his protest.

But before the decision upon receiving the said protest it was withdrawn.

No. 519.

Which was read a first time;

And the rules suspended, and the bill read a second and third times, and passed.

No. 440.

Which was read a first time;

And the rules suspended, and the bill read a second and third times, and passed.

No. 491.

Which was read a first time, and ordered to a second reading.

No. 492.

Which was read a first time;

And the rules suspended, and read a second time.

Mr. Parks moved to strike out the third resolution.

Mr. Berry of Franklin moved to amend so as to insert and include immediately after the name of Taylor the names of Worth, Butler, Kearney, Wool, and Patterson.

Which was adopted.

Mr. Berry further moved to amend by striking out the word "his" in the second line, and insert "their."

Which was adopted.

A motion was then made to suspend the rules and read the bill a third time;

But there being no quorum, said motion failed for want thereof.

No. 427.

Which was laid on the table.

No. 238.

The Senate refused to recede from the engrossed amendment made by the Senate.

Messrs. Ellis and Beard were appointed, on the part of the Senate, a committee of free conference.

Mr. Ellis made the following report:

MR. PRESIDENT:

The committee of free conference, on the part of the Senate, appointed to confer with a similar committee on the part of the House, upon the subject of a disagreement between the two Houses, in relation to the refusal of the House to concur in the amendment of the Senate to House bill No. 238, have instructed me to report that the Senate recede from their amendment, so far as to strike out said amendment and substitute the following, which said committee have recommended for the concurrence of the House:

Stockholders shall be individually liable for debts of the company to laborers to the extent of, and in proportion to, the stock held by each, on the insolvency of the company or its inability to pay.

Which was not concurred in for want of a quorum.

No. 257.

Which was read a first time;

And the rules suspended, and the bill read a second and third times, and passed.

No. 479.

Which was read a first time;

And the rules suspended, and the bill read a second and third times, and passed.

No. 375.

Which was read a first time;

And the rules suspended, and read a second time.

Mr. Osborn moved to amend, to insert the word "knowingly" after the word "hereafter."

The rules were further suspended, and the bill read a third time and passed.

No. 493, bill of the House;

Which was read a third time and passed.

No. 518, a joint resolution;

A motion was made to lay it on the table,

But no quorum being present, said motion failed for want thereof.

No. 287 was read a third time and passed.

No. 233 was read a third time.

Mr. Hardin moved to lay it on the table.

Not so laid—passed.

No. 356, a joint resolution, was read a third time and passed.

No. 198 was laid upon the table.

No. 253 was read a third time and passed.

No. 256 was read a third time and passed.

No. 365 was read a third time and passed.

No. 371 was read a third time and passed.

No. 415 was read a third time and passed.

No. 361 was read a third time and passed.

No. 259 was laid upon the table.

No. 210 was laid upon the table.

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Hamrick moved to take up joint resolution,
No. 492, which was done.

And the ayes and noes being demanded on the passage of said resolution,

There was not a quorum present.

No. 282 was laid upon the table.

No. 491 was read a third time and passed.

No. 448 was read a third time and passed.

The bill for the reorganization of the militia was taken up.

It being moved to suspend the rules and read the bill a third time,

There was not a quorum present, and therefore said motion failed,

Mr. Hamer offered the following resolution :

Resolved, That when the Senate adjourn this evening, it will adjourn to meet to-morrow morning at six o'clock.

Which was adopted.

Mr. Henry offered the following resolution :

Resolved, That when the Senate adjourn, it will adjourn to meet at eight o'clock this evening.

Which was adopted.

The following message was received from the House of Representatives :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bills and joint resolutions thereof :

No. 427. An act relative to school funds in Dearborn county ;

No. 493. An act to incorporate the Brazil Steam Mill Manufacturing Company, Clay county, Indiana ;

No. 479. An act to provide for the election of township assessors in the county of Brown, and defining their duties ;

No. 471. An act for the relief of Alpha Buckley of Miami county ;

No. 438. An act to revive and amend an act to incorporate the Lafayette Insurance Company, approved February 8, 1836 ;

No. 375. An act to prevent the spread of Canada Thistles ;

No. 257. An act to incorporate the Columbus Bridge Company ;

No. 492. A joint resolution in reference to the Mexican war ;

No. 444. An act for the relief of Elias Murray ;

No. 491. An act for the relief of Mary A. Johnson ;

No. 448. An act to amend an act entitled, "an act to incorporate the Lagrange Phalanx," approved January 13, 1845 ;

No. 494. An act to prevent stock running at large ;

No. 476. An act for the suppression of obscene books, &c. ;

No. 488. An act to amend an act entitled, "an act to incorporate the Madison and Napoleon Turnpike Company," passed at the last session of the legislature ;

No. 435. An act for the relief of Robert Earl.

In which the concurrence of the Senate is respectfully requested.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills and joint resolutions of the House :

No. 434. A joint resolution relative to the public printing ;

No. 457. An act to prevent the circuit and probate courts of the county of Marion from sitting at the same time ;

No. 471. An act for the relief of Alpha Buckley of Miami county ;

No. 509. An act to vacate certain streets and alleys in the town of Wellington, Marion county, Indiana ;

No. 517. An act to allow persons to go to mill on the St. Joseph feeder with canoes and pirogues free of toll ;

No. 460. An act in relation to road tax in the county of Grant ;

No. 513. A joint resolution relative to international literary exchanges ;

No. 444. An act for the relief of Elias Murray :

No. 110. An act to change the time of holding courts in the 7th judicial circuit, and for other purposes ;

No. 404. An act to repeal a certain act therein named relative to performing labor on roads and highways in Orange county ;

No. 192. An act authorizing deeds in certain cases to be made ;

No. 441. An act for the relief of John Carter, a purchaser of saline lands in Brown county ;

No. 505. An act to establish a certain State road in the counties of Allen and De Kalb ;

No. 437. An act to abolish the office of county auditor in the county of Sullivan ;

No. 405. An act to extend the time of payment of the interest on certain funds therein named.

Which I am directed to bring to the Senate for the signature of the President.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the Senate :

No. 236. An act to incorporate the "Evangelical Lutheran St. Paul's church," in Indianapolis ;

No. 265. An act regulating the granting of licenses in the county of Grant;

No. 199. An act to enable widows to avail themselves of the law allowing them one hundred and fifty dollars of their husband's effects;

No. 205. An act to amend the general provisions respecting wills and testaments;

No. 222. An act to amend an act entitled "An act to establish a free turnpike road in Jay county," approved January 13, 1846;

No. 240. An act to locate a State road in Lake and Porter counties;

No. 231. An act to authorize the trustees of township nine, in range two west, in Franklin county, to sell certain real estate;

No. 275. An act empowering Rachel Blair, administratrix of the estate of Enos Blair, deceased, formerly sheriff and collector of Monroe county, to collect arrears of taxes;

No. 224. An act providing for the publication of certain laws therein named;

Which I am directed to bring to the Senate for the signature of the President.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have concurred in the amendment of the Senate to bill of the House

No. 375. An act to prevent the spread of Canada thistles.

The House have passed the following engrossed bills of the Senate without amendment;

No. 223. An act supplementary to article 5, chapter 30, of the Revised Statutes;

No. 253. An act in relation to retailing intoxicating liquors in the counties of Henry and Madison.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the Senate:

No. 271. An act to refund the several branches of the State Bank of Indiana the amounts advanced by them to aid in transporting the volunteers to New Albany;

No. 179. An act to extend the privileges of the State Library to the benevolent institutions of the State;

No. 184. An act to establish a State road in the county of Jay;

No. 188. An act for the relief of Daniel Dayhuff;

No. 273. An act to vacate a part of the town of Far West, in Johnson county;

No. 227. An act to legalize certain deeds;

No. 234. An act to locate a certain State road therein named;

No. 180. An act to incorporate the Perrysville Seminary;

No. 263. An act authorizing the Governor of this State to appoint a probate judge *pro tempore* in the county of Monroe;

No. 376. An act to vacate certain streets and alleys in Williams-town, in Decatur county;

No. 280. An act to provide for the construction of a Railroad to extend to the Shelbyville Railroad;

No. 157. An act to repeal an act more effectually to enable supervisors to open and keep in repair public highways;

No. 251. A joint resolution to incorporate a part of a certain act therein named;

No. 250. An act granting to Thomas J. Goodman, sen., the privilege of supplying the city of Madison with water;

No. 230. An act declaring Big Blue river in Rush county a public highway;

No. 238. An act to incorporate the Belmont Manufacturing Company;

No. 35. An act to provide for the election of township assessors in the counties therein named and defining their duties;

No. 211. An act to incorporate the town of Point Commerce, in Greene county;

No. 235. An act to amend an act to provide for the construction of a Railroad from Martinsville, in Morgan county, to Franklin, in Johnson county;

No. 195. A joint resolution authorizing the printing of certain acts with the laws of this session;

No. 225. An act to authorize the judge of the probate court of Shelby county to take the acknowledgment of deeds and other instruments of writing, and also to grant and try writs of habeas corpus;

No. 203. An act to authorize the suing out a writ of *ad quod damnum* in a certain case therein named;

No. 233. An act to authorize the county commissioners of Hamilton county to make an additional allowance to the auditor of said county;

Which I am directed to bring to the Senate for the signature of the President.

Mr. Stewart, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate and find them correctly enrolled:

Nos. 231, 222, 205, 236, 265, 199, 275, 224, and 240.

Mr. Berry of Monroe, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following engrossed with the enrolled bills of the Senate and find the same to be correctly enrolled—viz:—Nos. 273, 188, 184, 179, 171, 227, 263, 234, 276, 280, 251, 257, 203, 233, 195, 235, 180, 211, 35, 283, 225, 230, and 250.

On motion,
The Senate adjourned until 8 o'clock this evening.

8 o'clock, P. M.

The Senate met.

A message from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed to inform the Senate that the Speaker has signed the following enrolled bill of the House:

No. 353. An act supplementary to an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville, approved January 19, 1846;

Whereupon the President signed the same.

Mr. Stewart, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the Senate, and find the enrolment thereof correctly made:

No. 223. An act supplementary to article 5th, chapter 30, Revised Statutes;

No. 172. An act fixing an annual compensation to the auditor of Delaware county;

No. 278. An act to revive and amend an act entitled "An act to incorporate the town of Pendleton, in Madison county," approved February 15, 1839.

The following messages were received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills of the House:

No. 459. An act to amend an act entitled "An act to incorporate the Mayor and Common Council of the town of Delphi;

No. 361. An act fixing the fees of the auditor of Randolph county;

No. 465. An act giving power to the commissioners of the sinking fund in a certain case;

No. 473. An act regulating the giving of notice in a certain suit in the Wayne circuit court;

No. 498. An act to authorize the establishment of a State road in White and Tippecanoe counties;

No. 481. An act in relation to the seminary in Madison county;

No. 493. An act to incorporate the Brazil Steam Mill Manufacturing Company, in Clay county, Indiana;

No. 407. An act legalizing the election of certain justices of the peace in Clark county;

No. 508. An act for the relief of the administrators of the estate of Enoch Barlow, late of Hendricks county, deceased;

No. 208. An act to establish an institute for the education of the blind of the State of Indiana;

No. 389. An act for the relief of John Zulauf;

No. 237. An act to provide for the election of prosecuting attorneys by the people in the several counties;

No. 499. An act to incorporate the Blue River and Sugar Creek Bridge Company;

No. 494. An act to protect stock running at large;

No. 375. An act to prevent the spread of Canada thistles;

No. 476. An act for the suppression of obscene books, &c.;

No. 461. An act for the relief of John Williams, of Washington county;

No. 515. An act for the location of a State road in the counties of Dubois and Martin;

No. 378. An act to legalize an act of the board of county commissioners of Elkhart county;

No. 454. An act to extend the jurisdiction of justices of the peace in the county of Fayette;

No. 523. An act authorizing the board of commissioners of Monroe county to levy a tax for the construction and repair of bridges in said county;

No. 504. An act levying additional road tax on lands in Allen county;

No. 479. An act to provide for the election of township assessors in the county of Brown, and defining their duties;

No. 477. An act entitled "An act to extend an act for the preservation of sheep," approved January 25, 1841, and the amended act thereto, approved February 9, 1843;

No. 256. An act to provide for the election of an additional justice of the peace and an additional constable, in Jackson township, in Boone county;

No. 371. An act to authorize the Governor to issue a patent for a certain tract of canal land;

No. 491. An act for the relief of Mary A. Johnson;

No. 314. An act to provide for the payment of the expenses of completing the selecting, appraising, classifying and mapping the lands granted by Congress for the completion of the Wabash and Erie canal from Terre Haute to the Ohio river;

No. 501. An act for the benefit of citizens owning farms through which the Wabash and Erie Canal passes;

No. 369. An act declaratory of the powers of the president and associate judges to enforce injunctions in vacation;

No. 502. An act fixing the time of holding the May and November terms of the Grant probate court;

No. 516. An act to require the general superintendent of the Wabash and Erie Canal to give credits in certain cases;

No. 450. An act making general appropriations for the year 1847.

No. 410. An act to regulate the practice in cases of impeachment;

No. 443. An act for the improvement of a certain road in the counties of Delaware, Blackford, Wells, and Huntington;

No. 330. An act to incorporate the Jefferson Manufacturing Company;

Which I am directed to bring to the Senate for the signature of the President.

The Speaker has also signed the following enrolled bills of the Senate:

No. 223. An act supplementary to article 5, chapter 30, Revised Statutes;

No. 278. An act to revive an act entitled "An act to incorporate the town of Pendleton, in Madison county," approved February 15, 1839;

No. 172. An act fixing an annual compensation to the auditor of Delaware county;

No. 264. An act authorizing the sale of certain real estate therein named.

The Senate adjourned.

THURSDAY MORNING, JANUARY 28, 1847, }
Six o'clock. }

The Senate assembled.

The journal of the preceding day was read.

Mr. Hamer offered the following resolution:

Resolved, That a committee of two be appointed on the part of the Senate to act with a similar committee to be appointed on the part of the House of Representatives, to wait upon his Excellency, the Governor, and inform him that both houses have gone through with their legislative business, and are now ready to adjourn sine die, if he has no further communication to make to them, and that the House be informed of the adoption of this resolution.

Which was adopted.

Messrs. Hamer and Berry were appointed such committee on the part of the Senate.

The following message was received from the House of Representatives, by Mr. Ward, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed the following enrolled bills and joint resolutions of the House:

No. 168. A joint resolution praying for the confirmation of the selection of lands made in 1843 to aid in extending the Wabash and Erie Canal from the mouth of the Tippecanoe river to Terre Haute;

No. 356. A joint resolution in relation to holding a session of the supreme court of the U. S. west of the Allegheny mountains;

No. 439. An act for the relief of Cary S. Goodrich;

No. 442. An act authorizing the county commissioners of Wells county to build a bridge;

No. 335. An act to amend the first article of the fiftieth chapter of the Revised Statutes of 1843;

No. 257. An act to incorporate the Columbus Bridge Company; Also, bill of the Senate,

No. 63. An act to authorize the superintendent of the New Albany and Vincennes road to rebuild bridges that have washed away on said road, and for other purposes.

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT

I am directed by the House of Representatives to inform the Sen-

ate that the House have reciprocated the resolution of the Senate, appointing a committee to wait on the Governor, on the subject of the adjournment, and have appointed Messrs. Wolfe, Dowling, and Tackett, a committee on the part of the House.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the House:

No. 466. An act to authorize the commissioners of the sinking fund to receive substitution of stock mortgages, and for other purposes;

No. 510. A joint resolution in relation to the Indiana hospital for the insane, the deaf and dumb asylum, and the institution for the education of the blind;

No. 365. An act to locate a State road in the counties of Miami, Howard, and Madison;

No. 455. An act to abolish the office of school commissioner in Sullivan county;

No. 519. An act the better to keep the members of the General Assembly from abandoning their seats and breaking a quorum;

No. 415. An act in relation to a school district in Lagrange county;

No. 431. An act regulating the sale of ardent spirits in Randolph county;

No. 373. An act to authorize the people of the several townships of the several counties to prohibit the retailing of spirituous liquors;

No. 287. An act for the relief of lessees of water power at Wabash Dam number four, in Carroll county.

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

The Speaker has signed the following enrolled bills of the Senate:

No. 279. An act to authorize the auditor and school commissioner of Jay county to sell a school section therein named:

No. 253. An act in relation to retailing intoxicating liquors in Henry and Madison counties;

No. 268. An act to declare a certain act in force;

No. 14. An act to enable executors and administrators to settle estates;

No. 248. An act to change the time of holding the February term of the probate court in the county of Johnson;

No. 56. An act declaring the meaning of the 143d and 145th sections of chapter 40, of the Revised Statutes of 1843;

No. 52. An act to amend the practice in the probate court;

No. 164. An act to authorize county auditors to sell lands at private sale which have been bid in for the use of the school fund;

No. 166. An act to change a certain State road therein named;

No. 266. An act in relation to travelling merchants or pedlars in the several counties therein named;

No. 102. An act relative to executions;

No. 122. An act to amend an act entitled, an act to incorporate the Michigan Road Company, approved January 13, 1845, and an act entitled an act to amend an act entitled an act to incorporate the Michigan Road Company, approved January 13, 1845, approved January 19, 1846;

Which I am directed to bring to the Senate for the signature of the President thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bill of the House:

No. 500. An act to incorporate the town of Greenfield, in Hancock county.

Which I am directed to bring to the Senate for the signature of the President thereof.

Mr. Berry of Monroe, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find them correctly enrolled: Nos. 268, 164, 52, 56, 248, 122, 166, 14, 279, 266, 253, and 102.

The following message was received from his Excellency, the Governor, by Mr. Hanna, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate, that he did, on this day, approve and sign the following bills:

No. 140. An act for the relief of Joel B. Cahoon;

No. 275. An act empowering Rachael Blair, administratrix of the estate of Enos Blair, deceased, formerly sheriff and collector of Monroe county, to collect arrears of taxes;

No. 222. An act to amend an act, entitled "An act to establish a free turnpike road in Jay county," approved January 13, 1846;

- No. 240. An act to locate State roads in Lake and Porter counties;
- No. 265. An act regulating the granting of licenses in the county of Grant;
- No. 236. An act to incorporate the Evangelical Lutheran St. Paul's Church in Indianapolis;
- No. 199. An act to enable widows to avail themselves of the law allowing them one hundred and fifty dollars of their husbands' effects;
- No. 233. An act to authorize the county commissioners of Hamilton county to make an additional allowance to the auditor of said county;
- No. 52. An act to amend the practice in the probate courts;
- No. 279. An act to authorize the auditor and school commissioner of Jay county to sell a school section therein named;
- No. 268. An act to declare a certain act in force;
- No. 14. An act to enable executors and administrators to settle estates;
- No. 248. An act to change the time of holding the February term of the probate court in the county of Johnson;
- No. 253. An act in relation to retailing spirituous liquors in Henry and Madison counties;
- No. 280. An act to provide for the construction of a railroad to intersect the Shelbyville Railroad;
- No. 386. A joint resolution in relation to granting land to Mr. Whitney to enable him to construct a railroad from Lake Michigan to the Pacific Ocean;
- No. 122. An act to amend an act therein named;
- No. 234. An act to locate a certain State road therein named;
- No. 203. An act to authorize the suing out of a writ of *ad quod damnum* in a certain case therein named;
- No. 195. A joint resolution authorizing the printing of certain acts with the laws of this session;
- No. 235. A bill to amend an act to provide for the construction of a railroad from Martinsville, in Morgan county, to Franklin, in Johnson county;
- No. 211. An act to incorporate the town of Point Commerce, in Greene county;
- No. 225. An act to authorize the judge of the probate court of Shelby county to take the acknowledgment of deeds and other instruments of writing, and also to grant and try writs of *habeas corpus*;
- No. 35. An act to provide for the election of township assessors in the counties therein named, and defining their duties;
- No. 238. An act to incorporate the Belmont Manufacturing Company;
- No. 230. An act declaring Big Blue river, in Rush county, a public highway;

- No. 250. An act granting to Thomas J. Goodman, sen., the privilege of supplying the city of Madison with water;
- No. 157. An act to repeal "An act more effectually to enable supervisors to open and keep in repair public highways;"
- No. 271. An act to refund to the several Branches of the State Bank of Indiana the amount advanced by them to aid in transporting the volunteers to New Albany;
- No. 179. An act to extend the privileges of the State Library to the benevolent institutions of the State;
- No. 184. An act to establish a State road in the county of Jay;
- No. 188. An act for the relief of Daniel Dayhuff;
- No. 273. An act to vacate a part of the town of Far West, in Johnson county;
- No. 227. An act to legalize certain deeds;
251. A joint resolution to suspend a part of a certain act therein named;
- No. 263. An act authorizing the Governor of this State to appoint a probate judge, *pro tempore*, in the county of Monroe;
- No. 276. An act to vacate certain streets and alleys in the town of Williamstown, Decatur county;
- No. 180. An act to incorporate the Perrysville seminary;
- No. 262. An act granting to the citizens of Evansville, in the county of Vanderburgh, a city charter;
- No. 259. An act to incorporate the City of Jeffersonville;
- No. 278. An act to revive an act, entitled "An act to incorporate the town of Pendleton, in Madison county," approved February 15, 1839;
- No. 172. An act fixing an annual compensation to the auditor of Delaware county;
- No. 223. An act supplementary to article 5, chapter 30, of the Revised Statutes;
- No. 63. An act to authorize the superintendent of the New Albany and Vincennes road to rebuild bridges that have been washed away on said road, and for other purposes;
- No. 231. An act to authorize the trustees of township No. 9 range 2 west, in Franklin county, to sell certain real estate;
- No. 264. An act authorizing the sale of certain real estate therein named;
- No. 266. An act in relation to travelling merchants or pedlars, in the counties therein named;
- No. 166. An act to change a certain State road therein named;
- No. 164. An act to authorize county auditors to sell lands at private sale which have been bid in for the use of the school fund;
- No. 56. An act to declare the meaning of the 143rd and 145th sections of chapter 40 of Revised Acts of 1843.

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he did, on this day, approve and sign the following bill, to-wit:
No. 102. An act relative to executions.

Mr. Berry of Monroe, from the committee appointed to wait upon His Excellency, the Governor, submitted the following report:

MR. PRESIDENT :

The committee appointed to wait upon His Excellency, the Governor, and inform him that both Houses of the General Assembly had gone through with their legislative business, and were ready to adjourn *sine die*, if he had no further communication to make to them, have performed that duty, and are directed by His Excellency to inform the General Assembly that he has no further communication to make to them.

A message from the House:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House have adopted the following resolution:

Resolved, That the clerk inform the Senate that the House of Representatives have gone through with all the legislative business of the present session, and are now ready to adjourn *sine die*.

Mr. Berry of Monroe offered the following resolution:

Resolved, That the secretary of the Senate be directed to inform the House of Representatives that the Senate have gone through with their legislative business, and are now ready to adjourn *sine die*.

Adopted.

On motion by Mr. Parks,
The Senate adjourned, *sine die*.

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On confirming the nomination of Thomas L. Smith for Supreme Judge,	546
On House bill No. 353, (funded debt),	551, 556, 557, 558
On referring House bill No. 173, to committee on canals and internal improvements,	560
On amendment to Senate bill No. 63,	565
On laying Senate bill No. 207 on the table,	567
On suspending the rules,	568
On granting leave of absence to Mr. Conner,	571
On House bill No. 353, (funded debt),	571, 572, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586
On Mr. Davis's motion to lay House bill 353, (funded debt), on the table,	585

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On adjournment, - - - - -	586
On taking up House bill No. 353, (funded debt) from the table, - - - - -	586
On adjournment, - - - - -	586
On adjournment, - - - - -	587
On engrossing House bill No. 353, (funded debt), - - - - -	588
On laying House bill No. 173 on the table, - - - - -	589
On amending House bill No. 173, - - - - -	590
On passage of House bill No. 497, - - - - -	591
On laying Senate bill No. 281 on the table, - - - - -	600
On passage of Senate bill No. 281, - - - - -	601
On passage of House bill No. 353, (funded debt), - - - - -	604
On amending House bill No. 380, - - - - -	607
On referring House bill No. 173, - - - - -	609
On re-considering vote on House bill No. 173, - - - - -	610
On passage of House bill No. 173, - - - - -	610
On amending House bill No. 497, - - - - -	614, 615
On Senate receding from amendments made to House bill No. 353, (funded debt), - - - - -	618, 619
On Senate bill No. 207, - - - - -	619
On adjournment, - - - - -	621
On passage of House bill No. 414, - - - - -	630
On laying joint resolution of House No. 486 on the table, - - - - -	636
On passage of joint resolution of House No. 486, - - - - -	636
On resolution relative to meeting in the evening, - - - - -	638
On suspending rules to read Senate bill No. 217, - - - - -	645

BILLS AND JOINT RESOLUTIONS WHICH ORIGINATED IN THE SENATE.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
1	A bill to define the mode of advertising the delinquent list,	26	72, 108	187			113
2	A bill declaring a misprint,	35		36	83	100	213
3	A bill for holding a convention,	36	45, 94	391			609
4	A bill for a State road from Point Commerce,	40	45	52	113		213
5	A bill in relation to county roads,	40	45	152	561		213
6	A bill to change the time of holding courts in the county of Wells, and for other purposes,	40	45	52	113		213
7	A bill relating to the office of the auditor of Union county,	40		56	113		461
8	A bill to amend the charter of Richmond, Wayne county,	40	45	99	329		98
9	A bill for the relief of Joseph Dickey and David Quinn,	44		69	86		213
10	A bill to provide for the publication of certain acts of last session of the Legislature,	44	53	365	544		98
11	A bill to legalize the adjournment of the Decatur court,	44	53	61	90		213

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12	A bill in relation to decrees in chancery,	44	53	152	330		608
13	A bill to repeal certain special laws in the eleventh judicial circuit,	44	53	74	233		213
14	A bill authorizing the auditor of Henry county to sell certain land,	44	53	61	90		213
15	A bill to change the time of holding the probate court in Greene county,	44	53	61	90		213
16	A bill for the relief of Victor A. Pepin of Floyd county,	46		46	90		213
17	A bill to amend an act, entitled "An act to authorize the sale of school lands in township two south, of range one west, in the county of Crawford,"	46	52	62	90		213
18	A bill to repeal a joint resolution therein named,	46	52	61	90		213
19	A bill to incorporate Anderson's Collegiate Institute,	46	87	88	269		461
20	A bill in relation to compensating supervisors,	46	52	100	329		213
21	A bill directing a <i>nolle prosequi</i> to be entered in the Dubois circuit court,	49		49	85		197
22	A bill to amend an act for the relief of purchasers of canal lands,	51		98		150	
23	A bill to repeal the law allowing docket fees,	52		61			
24	A bill providing for the payment of damages for private property taken for public use in the construction of the Wabash and Erie Canal,	54	55, 76	78	171		461
25	A bill to change the name of Frances Ann Fisher,	57		97	111		
26	A bill for the relief of Rebecca Goble,	57					
27	A joint resolution on the subject of Cumberland Road,	59					
28	A joint resolution in relation to the monthly pay of the volunteers in the Mexican war,	59	60	60	109		298

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BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
29	A bill for the benefit of the volunteers of the Mexican war, - - - - -	60	69	98	329		461
30	A bill to amend the execution laws of the State, - -	60					
31	A bill providing for a special term of the Madison circuit court, - - - - -	60	60	60	85		213
32	A bill to repeal the 271st section of the thirtieth chapter of the Revised Statutes of 1843, - - - - -	60	60				
33	A bill to authorize the Governor to order a special election for representatives in Congress in certain cases, - - - - -	60	69	98	330		661
34	A bill to extend the time of working out road tax in certain counties therein named, - - - - -	61					
34	A bill for the relief of certain heirs, - - - - -	61		110	330		607
35	A bill to provide for the election of township assessors in certain counties therein named, - - - - -	62					
36	A bill for the relief of John Kistler, - - - - -	66		96	631		658
37	A bill changing the mode of electing county surveyors, - - - - -	69					

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Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
38	A bill to amend the law in the settlement of intestates estates, - - - - -	69					
39	A bill to authorize the letting out of the Public Printing, - - - - -	72	126	136			
40	A bill to divorce Christian Schwerfeger from his wife, - - - - -	74		126			
41	A bill to divorce Markem Hollen from his wife, - -	74		99			
42	A bill to divorce David S. Baggerly from his wife, -	74		98			
43	A bill to amend an act in relation to turnpike roads in Dearborn county, - - - - -	76		99	329		461
44	A bill to amend an act prescribing the mode of advertising the sales of delinquent lands, - - - - -	76					
45	A bill to authorize the clerks of circuit courts to issue writs to other counties in certain cases, - - - - -	76					
46	A bill to increase the number of pilots at the falls of the Ohio river, - - - - -	77		125	330		461
47	A bill for the relief of Ellen Bigger, - - - - -	80	89	111	330		
48	A bill to divorce Abraham Gierheart from his wife, -	81	96	254	479		409
49	A bill relative to guardians of insane persons, - -	82	156	125			608
50	A joint resolution in relation to furnishing a copy of the land selected by the State for the completion of the Wabash and Erie Canal, - - - - -	96		156	330		461
51	A bill for the relief of purchasers of seminary lands in Monroe and Gibson counties, - - - - -	96		131	330		461
52	A bill to amend the laws regulating the duties of ex-cutors, administrators, and guardians, - - - - -	96		126	330		461
53	A bill to authorize Nelson Conner to maintain and keep up a mill dam across the Mississinewa river, -	96	111, 206	306	632		658
		96		127	330		461

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BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

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Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
54	A bill to correct a mistake relative to the New Albany and Vincennes road, - - -	99	152	152	405		537
55	A bill on the subject of divorces, - - -	101		152			659
56	A bill declaring the meaning of sections 143 and 145, of chapter 40, of the Revised Statutes, - - -	102		152	632		508
57	A bill to create the thirteenth judicial circuit, - - -	103	136	336	479		461
58	A bill to repeal an act for the removal of obstructions in Buck Creek, in Henry county, - - -	103		127	330		460
59	A bill to vacate a certain State road in the county of Ripley, - - -	104		126	330		
60	A bill to divorce Catharine Vickory from Edward Vickory, - - -	104	127	153			
61	A bill for the relief of Theodore F. Ellis of Laporte county, - - -	104		153			
62	A bill to amend the act to incorporate the Knights-town and Shelbyville railroad company, - - -	107		154			
63	A bill to authorize the superintendent of the New Albany and Vincennes road to rebuild bridges, - -	107		160	562		659

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64	A bill for the relief of David Burr, - - -	107		160	330		460
65	A bill to incorporate the Grand and Subordinate Division of the Sons of Temperance, - - -	108	134	134	405		
66	A bill to facilitate the bilding of school houses in the county of Dearborn, - - -	108		154	330		461
67	A bill to compel corporations to keep up bridges when, by their action, they obstruct State or county roads, -	108	273	273			
68	A bill fixing the time of holding the Marion circuit court in the fifth judicial circuit, - - -	108		154	406	479	627
69	A bill changing the time of holding courts in the eleventh judicial circuit, - - -	108		154	430		508
70	A bill to provide for the punishment of seduction, - -	116		177	507		607
71	A bill to amend the several laws now in force in this State subjecting real and personal property to execution, - - -	116					
72	A bill empowering persons therein named to construct a canal, - - -	118		186	405		607
73	A bill to divorce Celia Lowder from her husband, - -	118		178			
74	A bill for the relief of Martha Warner, - - -	118		179			
75	A bill for the relief of Anthony Hasket, - - -	119		271			
76	A bill to change the mode of doing county business in Decatur county, - - -	119		162	330		460
77	A bill for the relief of William Rodebaugh of Whiteley county, - - -	120		180			
79	A bill to divorce John Godard from his wife, - - -	120		179			
80	A joint resolution on the subject of the improvement of the harbors on the lakes and the navigation of rivers, - - -	122	162, 166				

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other Proceedings.	Approved.
81	A bill in relation to Notaries Public, - - - - -	122	154	155	181		460
82	A bill relative to county auditors and county treasurers of this State, - - - - -	122		178	330		460
83	A bill to amend the laws now in force in this State subjecting real and personal property to execution, -	133		178	330		298
84	A bill to divorce William D. Kelso from his wife, -	135		139	233		
85	A bill to incorporate the town of Jeffersonville, -	135		192			461
86	A joint resolution in relation to postage, - - - -	139		140	330		
87	A bill to repeal an act for the relief of the heirs of the late Richard McCarty, - - - - -	140		217			
88	A bill to repeal a certain act therein named, - - -	140		193	502		607
89	A bill relative to costs, - - - - -	140		217			
90	A bill for the relief of certain persons therein named, - - - - -	141		480	622		641
91	A bill in relation to brokers, - - - - -	141					
92	A bill to give power to married women to make wills, and to repeal section nine, chapter thirty, of Revised Statutes of 1843, - - - - -	141					

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93	A bill to incorporate the Lafayette Hydraulic Company, - - - - -	147		160	479		628
94	A bill to divorce Madison Lamb from his wife, - -	148		180			
95	A bill to legalize the election of trustees for the corporation of Greensboro, Henry county, - - - - -	148		180	330		461
96	A bill in relation to testimony to determine the amount of territory in counties in certain cases, -	149					
97	A bill to provide for a special session of the probate court of Hamilton county, - - - - -	150	150	150	160		213
98	A bill to authorize Malon Waldron and Caleb Boots to maintain and keep up mill dam in Grant county, Wayne county, - - - - -	150		180	330		461
99	A bill in relation to retailing intoxicating liquors in Wayne county, - - - - -	150		180	330		461
100	A bill relative to the assignment of dower, and article three, chapter forty-five, of Revised Statutes of 1843, - - - - -	150		217	545		607
101	A bill to amend an act to incorporate the Lafayette Bridge Company, - - - - -	151		217	405		537
102	A bill relative to executors, - - - - -	151		220	632		660
103	A bill to give additional time to the probate court of Monroe county, - - - - -	151	151	151	331		642
104	A bill to vacate a certain alley in the town of Putnamville, - - - - -	151		152	330		460
105	A bill to divorce Elizabeth Lister from her husband, -	152		178			
106	A bill to divorce John Sodem from his wife, - - -	154	154	150			
107	A bill to vacate offices when officers become insane, -	158		196	502		607
	A bill to amend the charter of the Milford and Columbus Railroad Company, - - - - -	159	209	209	564		627

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BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
108	A bill to divorce James D. Roberts from his wife, -	159		218	502		608
109	A bill to incorporate a public Seminary in the town of Aurora, in Dearborn county, -	159		217			
110	A bill to divorce Martha J. Thompson from her husband, -	159		169	329		460
111	A bill extending the times of holding the several terms of the probate court of the county of Vanderburgh, -	159	139	159	405		537
112	A bill to legalize the transfer of certain canal certificates, -	159					
113	A bill concerning elections in the county of Decatur, -	159		213			
114	A bill to enable executors and administrators to settle estates, -	160		220	502		608
115	A bill for the relief of Andrew and Rosannah Baker and Alexander Mendenhall, -	160	220	185	405		537
116	A bill to incorporate the Fort Wayne Female Seminary, -	167					

117	A joint resolution relative to the harbor at Michigan City, -	172					642
118	A bill in relation to retailing intoxicating liquors in Laporte county, -	173	221	271	545		
119	A bill for the relief of Louisa Sherwood, -	173					
120	A joint resolution in relation to the navigation of the Mississippi and Ohio Rivers, -	175	272	272	631		
121	A bill amendatory to an act in relation to the auditor of Warrick county, -	175	222	175	330		460
122	A bill in relation to the Michigan Road Company, -	176		222	632		658
123	A bill to amend an act relative to crimes and punishments, -	176					
124	A bill to amend an act to establish a turnpike road in the county of Adams, -	176		272	502		608
125	A bill for the relief of Lucius H. Scott, -	176					
126	A bill to authorize the payment of claims for locating and surveying a portion of the Wabash and Erie canal lands, -	176	273	274	502		608
127	A bill for the purpose of settling the debt of the Wabash College to the Sinking Fund of the State, and for other purposes, -	184	221				
128	A bill to vacate a State road in Daviess, Martin, and Dubois counties, -	184		239	346		
129	A bill to divorce David Rawley from his wife, -	187		272	502		608
130	A bill to divorce William Kerlin from his wife, -	187		272			
131	A joint resolution of the General Assembly expressive of their approbation of the existing war with Mexico, -	188	304	338			

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
132	A joint resolution on the subject of improving the Wabash river, - - - - -	188					
133	A joint resolution to the Congress of the United States, - - - - -	188					
134	A joint resolution in relation to the Cumberland Road, - - - - -	188		347			
135	A bill regulating mill dams on Eel river, - - - - -	188					
136	A bill to repeal the Morris fraud law, - - - - -	191					
137	A bill abolishing the office of State Agent, - - - - -	205		313			
52	A bill to amend the practice in the probate court, - - - - -	206					
139	A bill for the relief of the borrowers of the Sinking and other trust funds, - - - - -	208	208	208	545		657
140	A bill for the relief of Joel B. Cahoon, - - - - -	208					
141	A bill to vest the title to land in the heirs, devisees, or assigns for the purchasers of lands in certain cases, &c., - - - - -	215		315	544		642
142	A bill requiring travelling merchants and pedlars to take out license, - - - - -	215					

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143	A joint resolution relative to the sale of intoxicating liquors to Indians, - - - - -	216		347	544		608
144	A joint resolution relative to the harbor at Michigan City, and the improvement of the rivers Ohio and Mississippi, and the completion of the Cumberland Road, - - - - -	217					
145	A joint resolution relative to the war with Mexico, - - - - -	217		347	544		608
146	A bill to amend an act to incorporate the Richmond Turnpike company, - - - - -	217					
147	- - - - -	217					
148	- - - - -	217					
149	A bill extending the time of holding the probate court in Fountain county, - - - - -	217	217	217	502		608
150	A bill to authorize the removal of obstructions in Brandywine, in Shelby county, - - - - -	226	317	317	502		608
151	A bill for the location of a State road in the counties of Hendricks, Putnam, and Montgomery, - - - - -	229	229	229	545		642
152	A bill abolishing the office of justice of the peace in Yorktown, in Delaware county, - - - - -	229		347	544		607
153	A bill to vacate a road in the town of Lawrenceburgh, - - - - -	230		347	544		642
154	A joint resolution to improve the mail communication between the Wabash Valley and New Orleans, - - - - -	231	231	231	502	505	608
155	A bill for the relief of the Prosecuting Attorney of the fourth judicial circuit, - - - - -	231	232	255	502		607
156	A bill to repeal an act incorporating the Morgan county Seminary, - - - - -	232		348	544		628

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BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
157	A bill to repeal an act to more effectually enable supervisors to open and keep in repair roads and highways, - - - - -	232		480			659
158	A bill relating to the settlement made by the Agent of State with Leonard, Woodburn, and others, - - - - -	232	232	348	545		641
159	A bill to amend the law regulating the fees of the several officers and other persons therein named, - - - - -	232			545		642
160	A bill to change the name of Canton, in Tipton county, - - - - -	232		347	545		628
161	A bill to increase the common school fund, - - - - -	232					
162	A bill to amend the eighth article of the forty-seventh chapter, of the Revised Code, of 1843, - - - - -	232					
163	A bill to amend the fifteenth chapter of the Revised Statutes, - - - - -	253	399	399	568		641
164	A bill to authorize county auditors to sell school lands at private sale, - - - - -	253		347	612	431	659
165	A bill directing the safe keeping of certain persons on a charge of felony, - - - - -	257	257	257	258		298

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166	A bill in relation to a State road in the counties of Lawrence and Monroe, - - - - -	260		347	632		659
167	A bill to authorize the sale of a school section in Jay county, - - - - -	261		347	545		628
168	A bill for the relief of purchasers of seminary lands in Gibson and Monroe counties, - - - - -	262		348	545		608
169	A bill to incorporate the Fort Wayne and Cambridge City Railroad Company, - - - - -	263	263	436	631		641
170	A bill to attach additional territory to the county of Crawford, - - - - -	264					
171	A bill subjecting pedlers in Dearborn county to take out license, - - - - -	264	418				
172	A bill fixing an annual compensation for the Auditor of Delaware county, - - - - -	264		365	632		659
173	A bill to divorce Susan E. Bruner from her husband, - - - - -	265		364			
174	A bill to divorce Melvina Noblett from her husband, - - - - -	265		364			
175	A bill to divorce Lucinda Pinnick from her husband, - - - - -	265	265	365	545		642
176	A bill for the relief of persons therein named, - - - - -	266		313			
177	A bill fixing a certain annual compensation to the auditor of Madison county, - - - - -	267	267	430	631		642
178	A bill to ascertain the boundary between the counties of Cass and Miami, - - - - -	267		386	631		
179	A bill to extend the privileges of the State Library to the Benevolent Institutions of the State, - - - - -	267		386	622		659
180	A bill to incorporate the Perrysville Seminary, - - - - -	267		386	622		659
181	A bill for the relief of county treasurers, - - - - -	267	267	374	545		642
182	A bill in relation to the compensation of the treasurer of Dearborn county, - - - - -	267					

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BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
183	A bill to locate a State road in the counties of Whit- ley, Kosciusko, and Noble, - - - - -	275		385	622		641
184	A bill to establish a State road in the county of Jay, - - - - -	302	370	370	622		659
185	A bill defining the duties of auditor, treasurer, and supervisors of highways, in the county of Dear- born, - - - - -	302		385	622		642
186	A bill to authorize the commissioners of the Sinking Fund to make settlement with Horace B. Smith, - - - - -	306	306	306	506		608
187	A bill in relation to the Methodist Episcopal Church in Greenfield, Hancock county, - - - - -	307	307	307	502		608
188	A bill for the relief of Daniel Dayhuff, - - - - -	308	308	463	612		659
189	A bill to provide for paying the debt, and preserving the credit of the State, - - - - -	312					
190	A bill to abolish the office of school commissioner, in Jefferson county, - - - - -	312	371	371	545		628
191	A bill for extending the provisions of a law to Han- cock county, - - - - -	312	371	371	545		609
192	A bill in relation to Negroes and Mulattoes, - - - - -	312					

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193	A bill to incorporate the Laurel and Moscow Turn- pike Company, - - - - -	312		386	631		641
194	A joint resolution on the subject of arming our light companies with rifles, - - - - -	313	323	323	501		608
195	A joint resolution authorizing the printing of certain acts with the laws of this session, - - - - -	327		386	622		658
196	A bill defining the duty of State Agent, - - - - -	327	481	518	622		627
197	A bill to amend an act entitled an act to incorporate the West Delphi Bridge Company, - - - - -	327		327	502		608
198	A bill to provide for the distribution of the three per cent. fund, - - - - -	328					
199	A bill allowing widows to avail themselves of the law allowing them one hundred and fifty dollars of their husband's effects, - - - - -	339		493	631		658
200	A joint resolution in relation to the Wabash and Erie Canal, - - - - -	343					
201	A joint resolution to provide for the Public Print- ing, - - - - -	343					
202	A joint resolution to suspend the operation of a cer- tain act therein named, - - - - -	344					
203	A bill to authorize the suing out of a writ of <i>ad quod</i> <i>dammum</i> , in a certain case therein named, - - - - -	344	416	416	622		658
204	A bill to extend the provisions of a law to Madison county, - - - - -	345					
205	A joint resolution in relation to treasury notes or bank scrip, - - - - -	346					
206	A bill providing compensation to supervisors of roads and highways, in Rush county, - - - - -	361	361	361	545		609

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BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
207	A bill attaching certain territory to the county of Carroll, - - - - -	361	361				
208	A bill to amend the general provisions respecting wills and testaments, - - - - -	361	361	509 612	602		
209	A bill to quiet titles of occupants of lands therein named, - - - - -	366		471 562			607
210	A bill to divorce Bayless Copher from his wife, - - -	378					
353	A bill to provide for the funded debt of the State and the completion of the Wabash and Erie canal to Evansville, - - - - -	380	380				
211	A bill to incorporate the town of Point Commerce in Greene county, - - - - -	382		428 622			658
212	A bill giving additional powers to the board of commissioners of Tippecanoe county, - - - - -	383	383	383 630			642
213	A bill to authorize the redemption of State bonds, - - -	385					
214	A bill for the relief of Charles Purcell, late collector of Posey county, - - - - -	387	387	387 630			641

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215	A bill to authorize probate judges in certain counties to grant writs of <i>habeas corpus</i> , - - - - -	388		403 631			641
216	A bill to amend section twenty-seven, article two, chapter thirty-five, of the Revised Statutes, - - -	392	416	416			
217	A bill giving jurisdiction to justices of the peace in certain criminal cases, - - - - -	396	645	645			
218	A bill to repeal a part of a certain act therein named, - - -	399					
219	A bill in relation to toll bridges in Shelby county, - -	401	401	401 539			607
220	A bill to vacate certain streets and lots in the town of New London, - - - - -	401	402	402 631			642
221	A bill for the relief of Joseph P. Smith of the county of Lake, - - - - -	402	402	402			
222	A bill relative to a turnpike road in the county of Jay, - - - - -	421	515				
223	A bill supplementary to article fifth, chapter thirtieth, of Revised Statutes, - - - - -	426		515 612			657
224	A bill providing for the publication of certain laws therein named, - - - - -	428		510 650			659
225	A bill relative to the probate court and judge of Shelby county, - - - - -	430		519 612			
226	A bill relative to the delinquent list and lands of Tippecanoe county, - - - - -	430	430	477 630			658
227	A bill to legalize certain deeds, - - - - -	430	431	430 630			641
228	A bill to provide for the better observance of the Sabbath, - - - - -	431		431 630			659
229	A bill to authorize George W. Lane, administrator of the estate of Arthur St. Clair, to purchase property at his own sale, - - - - -	434		480 622			642

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BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other Proceedings.	Approved.
230	A bill declaring Big Blue river, in Rush county, a public highway, - - - - -	434	434	434	630		658
231	A bill relative to school trustees in Franklin county, - - - - -	434	434	434	630		659
232	A bill to vacate a certain State road therein named, - - - - -	435	435	435	630		642
233	A bill in relation to the compensation of the auditor of Hamilton county, - - - - -	436	436	436	622		658
234	A bill to locate a certain State road therein named, - - - - -	443	443	443	622		658
235	A bill to amend an act to provide for the construction of a railroad from Martinsville, Morgan county, to Franklin, Johnson county, - - - - -	443			622		658
236	A bill to incorporate the Evangelical Lutheran St. Paul's Church of the town of Indianapolis, - - - - -	445	445		445		630
237	A bill to amend chapter forty-eight, article four, of the Revised Statutes of 1843, relative to writs of <i>scire facias</i> , - - - - -	445	445	445			658
238	A bill to incorporate the Belmont Manufacturing Company, - - - - -	445	446	480	631		658
239	A bill for the relief of Maria Hazzard, - - - - -	446		446			

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240	A bill to locate a State road in the counties of Porter and Lake, - - - - -	448		448	630		658
241	A bill to authorize the election of trustees of the town of Washington, - - - - -	448		448	631		642
242	A bill making additional allowance to the Adjutant General of the Indiana Militia, Secretary of State, and Quartermaster General, - - - - -	458		566	622		641
243	A bill to authorize the subdivision of a township in Harrison county, - - - - -	459		459	631	642	642
243	A bill to amend an act approved January 19th, 1846, for the relief of debtors, - - - - -	465	465	465	631		641
244	A bill for the relief of debtors, - - - - -	466		465	631		
245	A bill to amend the law regulating the vending of clocks, - - - - -	468					
246	A bill to authorize the citizens of Carroll county to construct a side-cut canal to the town of Delphi, - - - - -	468	468	468	539		608
000	A bill to amend an act entitled "An act to prohibit the making, issuing, or circulating small notes or bills, - - - - -	469					
247	A joint resolution to call a convention to revise the Constitution, - - - - -	469					
248	A bill relative to the February term of the probate court in Johnson county, - - - - -	477	477		632		658
249	A bill to repeal a certain law therein named, - - - - -	477			631		642
250	A bill granting Thomas J. Godman the privilege of supplying the city of Madison with water, - - - - -	477	478	478	563		659
251	A joint resolution to suspend a certain act therein named, - - - - -	478		478	630		659
252	- - - - -	478					

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BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
253	A bill in relation to retailing intoxicating liquors in the counties of Henry and Madison, - - -	478	478		650		609
254	A bill concerning the practice in the circuit courts in the thirteenth judicial circuit, - - -	480	480	480	539		608
255	A bill for the relief of Ninian Hoskins, - - -	487		487	539		
256	A bill to incorporate the Greensburgh and Harrison Turnpike Company, - - -	487		487	568		642
257	A bill to amend the charter of the City of New Albany, - - -	488		488	550		628
258	A bill to incorporate the Fort Wayne and Goshen Turnpike Company, - - -	489					
259	A bill to incorporate the City of Jeffersonville, - - -	489	489	513			659
260	A bill changing the name of Wesley P. Hitchcock to that of Wesley P. David, - - -	491		489	622		
261	A bill to open a State road in the counties of Dearborn and Ripley, - - -	491		491	539		607
262	A bill granting a city charter to the town of Evansville, - - -	491		492	545		642
		492		492	539		659

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263	A bill authorizing the Governor to appoint a probate judge <i>pro tempore</i> in the county of Monroe, - -	504	504	504	631		659
264	A bill authorizing the sale of certain real estate therein named, - - -	504	504	504			659
265	A bill regulating the granting of licenses in the county of Grant, - - -	504	504	504	612		658
266	A bill in relation to travelling merchants or pedlers in the county of Dearborn, - - -	504	504	504	635		659
267	A bill to incorporate the Jeffersonville Industrial and Literary Institute, - - -	505	505	505	622		642
268	A bill to declare a certain act in force, - - -	511	511	621	644		658
269	A bill to authorize the auditor of Henry county to establish a ferry, - - -	512	512	512	622		641
270	- - -	512	513				
271	A bill to refund to the several branches of the State Bank of Indiana the amounts advanced by them in transporting the volunteers to New Albany, -	518		518	622		659
272	A bill for the relief of those who suffered loss by the late freshet, - - -	523		606			
273	A bill to vacate a part of the town of Far West, in Johnson county, - - -	547	547	547	631		659
274	A bill to attach the county of Rush to the thirteenth judicial circuit, - - -	547	547	570			
275	A bill for the relief of Rachael Blair of Monroe county, -	547		547	631		657
276	A bill to vacate certain streets and alleys in Williamsburgh, Decatur county, - - -	567		567	622		659
277	A joint resolution in relation to the irregularities of the mails, - - -	574		574			

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BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	SUBSTANCE OF TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
278	A bill to revive the charter of the town of Pendleton,	599	599	599	626		659
279	A bill to authorize the county auditor of Jay county to sell school lands in said county, - - - - -	600	600	600	626		658
280	A bill to provide for a railroad to intersect the Shel- byville Railroad, - - - - -	600	600	600	612		658
281	A bill relative to the State Agent, - - - - -	600	601	600			
282	A bill in relation to the water power at the Bluffs of White river, - - - - -	606					
283	A bill in relation to the water power at the Bluffs of White river, - - - - -	636					

BILLS AND JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES.

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Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceed- ings.
2	An act to authorize the judges of Lawrence county circuit and probate courts to devise new seals for their courts,	40	41	41	
21	An act to provide for a settlement with the former superintendent of the State Prison,	40	41	41	
1	An act for the extension of time of holding probate courts in the counties of Putnam, St. Joseph, Lawrence and Wayne,	48	53	61	
16	An act to legalize the acts of the board of commissioners of the county of Grant,	62	63	63	
81	An act for the relief of James A. Kindle, late treasurer of Madison county,	82	103	124	
6	An act to authorize the people of Fayette to elect three seminary trustees,	83			
8	An act to incorporate the Decatur County Medical Society,	83	84	84	
14	An act in relation to the publication and sale of delinquent lands in Shelby county for the years 1844 and 1845,	83	83	83	
22	An act to declare the name of Ann Frankbower a misprint,	83		111	

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24	An act repealing all laws allowing docket fees, except in certain cases,	83		111	
25	An act changing the time of holding courts in the county of Delaware,	83			113
26	An act in relation to road tax in Elkhart county,	83		111	
35	An act empowering the commissioners of Kosciusko county to hold certain real estate,	83			
46	An act to repeal a certain law so far as the same relates to the counties of Washington and Jackson,	83		96	
27	An act to regulate the county board of Warrick,	85		152	
28	An act to repeal a certain law therein named,	85		113	
29	An act to establish a State road between DeKalb and Steuben counties,	85		111	
33	An act to incorporate the Clifty Band of Musicians in Decatur county,	85		160	251
39	An act to vacate the town of Independence in Laporte county,	85		112	
41	An act in relation to the town of Noblesville, Hamilton county,	85		112	
42	An act relative to the probate court of Fayette county,	85		112	
43	An act relative to swinging gates on highways,	85		112	
44	An act to vacate a part of the town of Blairsville, in Posey county,	85		112	
48	An act relating to the probate court of Allen county,	85		113	
87	An act to provide for a settlement with the superintendent of the State Prison,	86		97	
12	An act to provide for the issue of patents upon tax sales of Wabash and Erie Canal lands,	90			

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

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Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceed- ings.
97	An act to legalize certain acts by the board of commissioners of Clinton county, - - - - -	90	128	128	
93	An act to postpone the payment of taxes, charged against volunteers in the army of the United States, - - -	90		153	
56	An act to repeal an act for the relief of the people of Noble, Lagrange, Steuben, and Dekalb counties, - -	90		177	
65	An act to amend the law on the subject of liens of mechanics and others, on buildings, - - - - -	90		154	
68	An act to authorize the board of commissioners of Orange county, to appoint an appraiser of real estate, - -	90		154	
71	An act to vacate certain streets and alleys in the town of Orleans, in the county of Orange, - - - - -	90		127	
116	An act to change the name of Richardville county, - -	90		122	
51	An act repealing certain acts in relation to Posey county, -	122		178	
77	An act to change the name of James Morris Smith, to that of James Morris Vestil, - - - - -	122		178	
78	An act to change the mode of doing county business in the county of Tippecanoe, - - - - -	122		154	

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80	An act for the benefit of Parke County Seminary, - -	122		387	
82	An act to repeal an act therein named, so far as the county of Shelby is concerned, - - - - -	122	123	123	
84	An act to reduce the price of the Revised Statutes of 1843, -	122		178	
92	An act to change the mode of selecting petit jurors in Sullivan county, - - - - -	122		180	
101	An act to secure to Ohio county, a share of the common school and surplus revenue funds, - - - - -	122		160	
107	An act to change the names of Frances Anthony Fisher, and Minerva Ridge, to the names of Frances Anthony Greenwood, and Minerva Greenwood, - - - - -	123		178	
4	An act providing for the correction of errors in patents for lands sold by the state, - - - - -	123		178	
10	An act explanatory of the act therein named, - - -	123		271	
23	An act relative to certain school districts in Hendricks county, - - - - -	123		161	
53	An act to amend section one hundred and twenty-eight, chapter thirty-five, of the Revised Statutes of 1843, -	123		177	
91	An act to fix the time of holding courts in the eighth judicial circuit, - - - - -	123		177	
61	An act to extend the time of receiving work on roads for tax, in the counties therein named, - - - - -	129		312	
62	An act to amend an act to compel speculators to pay a road tax, - - - - -	129		312	
75	An act declaring a part of Salt creek, a public highway, -	129	277	277	
79	An act to modify the thirtieth section, chapter sixteen, of the Revised Statutes, - - - - -	129	295	295	
90	An act in relation to the service of subpoenas in chancery, -	129		480	

BILLS AND JOINT RESOLUTIONS OF THE HOUSE — Continued.

698

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>
112	An act forming a new congressional township for school purposes, in Gibson county, - - - - -	129	261	262	
108	An act in relation to proof of notice by publication, - - - - -	130		387	
111	An act to vacate certain alleys in the town of Blooming-ton, - - - - -	130		387	
113	A joint resolution on the subject of school section number sixteen, township seventeen, range six, - - - - -	130			
114	An act to change the name of Ellen Loudenberger to that of Ellen Lomax, - - - - -	130	278	278	
115	An act to locate a State road in the counties of Grant and Richardville, - - - - -	130	265	265	
120	An act for the relief of Wiley M. Edmonston and Sarah Ann Edmonston, late Sarah Ann Parrott, - - - - -	130	141	141	
129	An act declaring a certain act therein named to be in full force, - - - - -	130		493	
134	An act for the relief of certain persons therein named, - - - - -	181	181	181	
153	A bill to provide for the completion of the State Prison, - - - - -	189	190	190	
106	A bill to amend the Hagerstown Canal Company, - - - - -	218		218	

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231	An act to legalize certain proceedings of the probate court of Allen county, - - - - -	223		492	
234	An act to change the name of William Chill to that of William Darnall, - - - - -	223	516	516	
7	An act in relation to county roads, - - - - -	232			
15	An act changing the time of holding the courts in the ninth judicial circuit, - - - - -	233		393	
96	An act for the improvement of the breed of horses and mules in the counties of Blackford and Kosciusko, - - - - -	233	260	260	
103	An act in relation to wild fruit growing on public land, - - - - -	233	337	337	
18	An act to incorporate the town of Mount Vernon, - - - - -	235	266	266	
36	An act authorizing the election of county surveyors, - - - - -	235			
40	An act to legalize the acts of masters in chancery in the county of Huntington, - - - - -	235	337	312	
66	An act to reduce the expenses of Floyd county, - - - - -	235		337	
67	An act fixing the time for the report of the trustees of the Indiana Asylum for educating the deaf and dumb, - - - - -	235			
76	An act defining the width of roads in the counties of Tip-ton and Clinton, - - - - -	235		312	
86	An act extending a certain act to the counties of Clinton and Carroll, - - - - -	235		312	
94	An act making appropriation for the arrest of Silas Doty, a fugitive from justice, - - - - -	235	298	268	
95	An act to incorporate the Delphi Manufacturing Company, - - - - -	235		469	
98	An act making an appropriation to pay J. R. Morlidge, a contractor on the Madison and Indianapolis railroad, - - - - -	235		272	
99	An act in relation to the proceedings in domestic and foreign attachment, - - - - -	235			

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

700

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>
106	An act to amend the charter of the Hagerstown Canal Company, and to legalize their acts, - - -	235			
109	An act defining the duties of county treasurers, - - -	235		437	
118	An act relative to Delaware and Grant counties, - - -	235		313	
119	An act amending the acts of incorporation of Madison and Lawrenceburgh, - - -	235	238	238	
121	An act authorizing the sale of section sixteen, in township number twenty-seven north, range seven east, - - -	235	238	313	
122	An act in relation to land owned by the State Bank of Indiana, adjoining the town of South Bend, St. Joseph county, - - -	235	238	238	
123	An act in relation to the re-appraisement of real estate, and for other purposes, - - -	235		308	
128	An act to regulate the mode of doing county business in the county of Harrison, - - -	235	238	238	
130	An act in relation to probate judges, and for other purposes, - - -	235		387	
131	An act to authorize the Secretary of State to make a deed in a certain case, - - -	235		313	

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135	An act authorizing the collection of certain taxes therein named, - - -	235	312	312	
136	An act exempting improvements on real estate from taxation, in the counties of Kosciusko and Miami, - - -	235		395	
137	An act to authorize the clerks of circuit courts to administer oaths in certain cases, - - -	236	238	387	
138	An act to locate a State road in Randolph and Wayne counties, - - -	236	238	347	
139	An act to establish a State road in the county of Dearborn, - - -	236	236, 262	275	
141	An act in relation to roads and highways in Putnam county, - - -	236	236	272	
143	An act for the improvement of highways in Bartholomew county, - - -	236	236	236	
132	A joint resolution in relation to pre-emptors on Miami Reserve, - - -	236	236	236	
146	An act repealing an act changing the time of holding the probate courts in Allen county, and for other purposes, - - -	268	269	348	
148	An act for the relief of John McIntire, Clark M. Anthony, Joseph P. Glezen, and for other purposes, - - -	268		269	
149	An act to locate a State road in the counties of Kosciusko and Marshall, - - -	268		347	
150	A joint resolution relative to the duties of the superintendent of the Central canal, - - -	268		347	
151	A joint resolution relative to the claim of Francis Vigo of Knox county, - - -	268	269	269	
154	An act to amend an act to incorporate the trustees of the Indiana University, - - -	268		313	
155	An act to locate a State road from Logansport to Marion, Grant county, - - -	268		347	

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

702

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
156	An act in relation to the common school fund in Jackson county, - - - - -	268		365	
158	An act to amend an act re-locating a portion of a State road leading from Greenfield, Hancock county, to Lebanon, in Boone county, - - - - -	268			
159	An act authorizing the Superintendent of the Wabash and Erie canal to settle with Gookins, Barnes, and Thomas, - - - - -	268		347	
160	An act declaring an act therein named a misprint, - - - - -	268		387	
161	An act for the safe keeping of the records of Ohio county, - - - - -	268		347	
166	An act to locate a State road in the counties of Wells and Adams, - - - - -	268		347	
167	An act to locate a State road in the counties of Richardville and Carroll, - - - - -	268		348	
169	An act for the improvement of the Cambridge City and Fort Wayne State road, in Wells county, - - - - -	268		348	
170	An act for the better protection of religious assemblies, - - - - -	268		365	
171	An act to re-locate a portion of the State road in Carroll county, - - - - -	268		365	

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174	An act for the relief of James Kitchens of the county of Gibson, - - - - -	268		381	
175	An act to locate a State road in the counties of Grant and Madison, - - - - -	268		364	
176	A joint resolution relative to the Cumberland Road, - - - - -	268			
177	A joint resolution in relation to actual settlers on Congress lands, - - - - -	268	366	366	
178	An act to incorporate the Logansport and Wabash Free Bridge Company, - - - - -	268	442	443	
180	An act to legalize the acts of Solomon M. Semans, a justice of the peace in Randolph county, - - - - -	268		386	
183	An act transferring the duties of school commissioner in Crawford county, - - - - -	269		270	
184	An act to amend an act for the relief of Jas. S. Mayes, late school commissioner of Knox county, - - - - -	269		386	
185	An act to incorporate the trustees of the Underwood burying ground, - - - - -	269	370	370	
187	An act to incorporate the Kosciusko Medical Society in Kosciusko county, - - - - -	269		427	
186	An act to provide for the recording of bonds and letters of guardians, - - - - -	269		386	
188	An act to change the name of Anna James to that of Anna Churchman, - - - - -	269		386	
189	An act authorizing the building of a mill dam across the Mississinnewa river, - - - - -	269		386	
195	An act to locate a State road therein named, - - - - -	269		386	
196	An act relative to the water power in the county of Noble, - - - - -	269		386	

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

704

Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
197	An act to incorporate the Institute of Fine Arts of Bowling Green, Clay county, - - - - -	269		386	
203	An act in relation to the sessions of the Johnson circuit court, - - - - -	269			
205	An act for the improvement of the river Patoka, in Gibson county, - - - - -	269	515	515	
216	An act for the further relief of the volunteers of the State of Indiana, - - - - -	269			
11	An act relative to loaning school funds, - - - - -	270		604	
63	An act to regulate the chancery practice, - - - - -	270		448	
68	An act reducing the fees of certain officers therein named, - - - - -	270			
236	An act to vacate certain streets in the town of Greencastle, - - - - -	270	270	270	
265	An act to vacate certain streets and alleys in the town of Noblesville, - - - - -	271	271	271	
283	An act to legalize the qualification of the sheriff of Wabash county, - - - - -	271	271	271	
284	An act to provide for the further erection of the Hospital for the Insane, - - - - -	325	340, 341	433	

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110	An act to change the time of holding courts in the seventh judicial circuit, - - - - -	328		460	
142	An act in relation to supervisors in Sullivan county, - - - - -	328			
307	An act changing the time of holding the probate court in the county of St. Joseph, - - - - -	328	367	367	
312	An act fixing the time of holding the courts in the eighth judicial circuit, - - - - -	328			
152	An act in relation to writs of <i>ad quod damnum</i> , - - - - -	331		386	
181	An act for the protection of the property of married women, - - - - -	331		387	
194	An act to exempt certain property from taxation, - - - - -	331		470	
199	An act for the relief of Dempsey Linton of the county of Randolph, - - - - -	331			
206	An act in relation to road districts in the county of Huntington, - - - - -	331			
202	An act to amend chapter one of the Revised Statutes of 1843, - - - - -	331		386	
207	An act to locate a State road in the counties of Blackford, Wells, and Jay, - - - - -	331	367	381	
209	An act in relation to the boundary line between the counties of Gibson and Warrick, - - - - -	331		367	
210	An act to legalize the election of the trustees of the town of Vernon, - - - - -	331		332	
211	An act in relation to the road tax in the county of Jasper, - - - - -	331		393	
213	An act to establish a State road therein named, - - - - -	331		386	
214	An act to amend section 128, chapter sixteen of the Revised Statutes of 1843, - - - - -	331		386	
215	An act in relation to the charter of the city of Madison and town of Lawrenceburgh, - - - - -	331	342	462	
				342	

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

706

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
217	An act fixing the time of holding the probate court in the county of Marion, - - - - -	331	434	434	
218	An act to extend the provisions of a law to Madison county, - - - - -	331		386	
219	An act in relation to recapturing fugitives from justice, - - - - -	331			
220	A joint resolution of the General Assembly of the State of Indiana, - - - - -	331			
222	An act relative to advertising of real estate at sheriffs' sales, - - - - -	331		479	
224	An act relative to granting letters of guardianship, - - - - -	331		386	
225	An act to compel non-residents to pay a road tax equal to that of residents, - - - - -	331		437	
226	An act to vacate certain streets and alleys in Cambridge city, - - - - -	331	333	333	
227	An act for the relief of William Taggart and his securities, - - - - -	332	333	333	
228	An act in relation to the board of commissioners of Adams county, - - - - -	332	333		
229	An act for the relief of the purchasers of saline lands in Orange county, - - - - -	332	333	334	
		332			

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235	An act in relation to the board of county commissioners of Sullivan county, - - - - -	332			
238	An act to amend the Turnpike Road charter from Cambridge to Muncietown, - - - - -	332	377	377	
239	An act in relation to supervisors of the counties of Wabash and Boone, - - - - -	332		386	
240	An act to incorporate the Christian Church of Randolph county, - - - - -	332		339	
243	An act in relation to road tax, - - - - -	332		519	
244	An act to amend the charter of Cambridge City, Wayne county, - - - - -	332	378	378	
271	An act in relation to the fees of the several officers and persons therein named, - - - - -	332	334	334	
275	An act to incorporate the Greenfield and Shelbyville Railroad Company, - - - - -	332		480	
279	An act to extend the jurisdiction of justices of the peace of Lagrange county, - - - - -	332		386	
60	An act to fix the time of holding the courts in the tenth judicial circuit, - - - - -	346		447	
237	An act to provide for the election of prosecuting attorneys by the people in the several counties, - - - - -	346	414	414	
254	An act to change the name of Eliza Ann Camden to that of Ann Sidwell, - - - - -	362	379	379	
208	An act to establish an Institute for the education of the blind of the State of Indiana, - - - - -	384		431	
251	An act providing for the settlement of a claim of Adam Moderwell, - - - - -	384		422	
365	A joint resolution for the completion of the new State Prison, - - - - -	385	437	437	

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

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Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
38	An act defining the mode of publishing the delinquent tax list in the several counties, - - - - -	403	410	410	
241	An act to amend an act to incorporate the town of Columbus, in Bartholomew county, - - - - -	403		480	
246	An act to authorize writs of <i>ne exeat</i> , - - - - -	403		490	
248	An act to authorize the location of a State road from Salem, in Washington county, by Lawrenceport, on White river, to Bedford, in Lawrence county, - - - - -	403		431	
250	An act in regard to the former Surplus Revenue Agent in Perry county, (John Elder,) and his securities, - - - - -	403	460	460	
253	An act to vacate certain alleys in the town of Greencastle, in Putnam county, - - - - -	403		647	
255	A joint resolution in relation to the public lands in Gibson county, - - - - -	403		474	
256	An act to provide for the election of an additional justice of the peace and constable in Jackson township, in Boone county, - - - - -	403		647	
259	A joint resolution relative to the St. Joseph river, - - - - -	403			

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264	An act for the better protection of stock running at large, - - - - -	403	406	406	
266	An act to improve the Michigan Road in Carroll county, - - - - -	403	516	516	
269	An act to amend an act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike, - - - - -	403		516	
272	An act to amend the provisions of chapter thirty-seven, section seventy, part third, article first, of the Revised Statutes of 1843, - - - - -	403		507	
274	An act to amend the 144th section of the thirtieth chapter of the Revised Statutes of 1843, - - - - -	403	408	436	
277	An act to amend the act regulating the proceedings under the writ of <i>ad quod damnum</i> , - - - - -	404			
278	An act in relation to roads and highways in Lagrange county, - - - - -	404	401	516	
280	An act to legalize the acts of Robert Leffler as school commissioner of Harrison county, - - - - -	404		516	
286	An act to locate and establish a State road in Vigo county, - - - - -	404		474	
287	An act for the relief of lessees of water power at Wabash dam number four, - - - - -	404			
288	An act to relocate a State road in Franklin and Rush counties, - - - - -	404			
289	An act in relation to leveeing the Wabash river, - - - - -	404	436	516	
291	An act to incorporate the town of Muncie, - - - - -	404		436	
296	An act to improve roads in Dearborn county, - - - - -	404	407	427	
298	An act more fully to explain the fifty-fourth section, chapter sixteen, of the Revised Statutes of 1843, - - - - -	404		407	
290	A joint resolution in relation to settlers upon the Great Miami Reserve, - - - - -	404		570	

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

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Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
300	An act for the relief of Henry Wells, sheriff of Lake county, - - - - -	404	407	407	
301	An act relative to road tax in Laporte county, - - -	404	517	517	
303	An act for the relief of the inhabitants of a certain district in the counties of Washington and Orange, - - -	404	407	407	
305	An act to locate a State road between the counties of Noble and Lagrange, - - - - -	404		436	
308	An act to regulate the price of tax deeds, - - - - -	404			
310	An act providing for the fees of auditor of Hancock county, - - - - -	404	408	408	
311	An act in relation to overseers of the poor, - - - -	404		436	
313	An act in relation to common schools, - - - - -	404			
316	An act relative to the building of a bridge in Wabash county, - - - - -	404		427	
319	An act in relation to grand juries in Washington county, - - - - -	404	408	408	
321	An act authorizing the canal commissioners to credit and receipt for moneys heretofore paid by purchasers of Wabash and Erie canal lands, - - - - -	404		520	

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322	An act in relation to a State road in Posey and Vanderburgh counties, - - - - -	405		480	
323	An act for the relief of Abram Hendricks & Son, - - -	405			
325	A joint resolution on the subject of education, - - -	405			
332	An act for the relief of Albert B. Nesbit, of Posey county, - - -	405	599	599	
334	An act to provide for the improvement of county libraries, - - -	405			
335	An act to amend the first article of the fiftieth chapter of Revised Statutes 1843, - - - - -	405		420	
337	An act to authorize settlers on the public land to petition for county roads, - - - - -	405		462	
339	An act relative to the probate judge of Fountain county, - - -	405	409	409	
340	An act to legalize the marriage of William Howell and Mary Howell, - - - - -	405	409	409	
341	An act in relation to granting license to retail spirituous liquors, - - - - -	405		492	
342	An act to authorize the building of a mill dam across the Iroquois river, in Jasper county, - - - - -	405	409	488	
343	An act regulating the jurisdiction of justices of the peace in Switzerland county, - - - - -	405			
344	An act to authorize the formation of voluntary associations, - - -	405		602	
370	An act in relation to sending students to the State University, - - - - -	405	596	596	
348	An act for the improvement of common schools in the State of Indiana, - - - - -	405			
384	An act making provisions for the payment of witnesses in the case of the probate judge of Allen county, - - -	446	447	447	
423	An act to change the time of holding the probate court in the county of Ripley, - - - - -	472	472	472	

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

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Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
353	An act supplementary to an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville,	479		604	
49	An act to authorize the executors of the estate of Jacob Sinks, late of Wayne county, to sell certain real estate,	493	496	496	
221	An act to declare the meaning of an act therein named,	493			
268	An act to authorize the probate judge of Dearborn county to issue writs of <i>habeas corpus</i> ,	493	496	496	
281	An act relative to the auditor's fees in Bartholomew county,	493	496	496	
314	An act to provide for paying the expenses of selecting the land for the Wabash and Erie canal,	493		621	
318	An act to amend an act to provide for the appointment of township assessors,	493			
320	An act to change the time of holding courts in the fourth judicial circuit, and authorizing special chancery courts to be held therein,	493	495	495	
350	An act in relation to the side-cut constructed by the Delphi Storage and Forwarding company,	493			

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351	A joint resolution in reference to the protection of American industry,	493			
356	A joint resolution in relation to holding the Supreme Court of the United States west of the Allegheny mountains,	493		647	
357	A joint resolution in regard to the hospital for the insane,	493		509	
359	An act to establish an additional election precinct in Deer Creek township, in Perry county,	493	495	495	
360	An act fixing a certain annual compensation to the auditor of Boone county,	493		517	
361	An act fixing the fees of the auditor of the county of Randolph,	494		647	
362	An act to legalize the marriage of Celia Lowder and Henry Perdue, of Daviess county,	494	495	495	
364	An act to provide an additional place of holding elections in Clark county,	494	494	494	
365	An act to locate a State road in the counties of Miami, Howard, and Madison,	494		647	
366	An act providing for the election of township assessors in Hancock county,	494	494	494	
368	An act to change the time of holding probate courts in Parke county,	494	494	494	
369	An act declaratory of the power of the president and associate judges to enforce injunctions in vacation,	494		635	
371	An act to authorize the Governor to issue a patent for a certain tract of canal land,	494		647	
415	An act in relation to a school district in Lagrange county,	494			
417	An act to provide for the holding of special terms of the circuit court in the county of Jefferson,	494		494	

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

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Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
304	An act to re-organize the militia of the State of Indiana, - - - - -	496			
373	An act to authorize the people of the several townships of the several counties to prohibit the selling of spirituous liquors, - - - - -	507		636	
414	An act to authorize the erection of an Institute for the Deaf and Dumb, - - - - -	507			
433	An act to amend an act to provide for the construction of the public works by private companies, and for abolishing the board of Internal Improvements, - - - - -	540	540	540	
446	An act to legalize certain proceedings in the county of Tippecanoe, - - - - -	548	548	548	
376	An act for the relief of the White Water Canal Company, - - - - -	548	548	548	
379	An act for the relief of Michael McCall, - - - - -	549	548	548	590
173	An act in relation to the Northern Division of the Central canal, between Broad Ripple, in Marion county, and the Bluffs, in Morgan county, - - - - -	550		610	

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309	An act amendatory to the thirtieth chapter of the Revised Statutes of 1843, - - - - -	550	550	551	
490	An act to legalize the acknowledgment of deeds taken by the probate judges of Knox and Delaware counties, - - - - -	561	564	564	
377	An act relative to the overseers of the poor in the county of Floyd, - - - - -	561	564	564	
477	An act to provide for the preservation of sheep, - - - - -	562	564	564	
453	An act making an appropriation to Joseph R. Pratt & Co. for the erection of the new State Prison, - - - - -	562		591	
440	An act to vacate a certain alley in the town of Greencastle, - - - - -	562	564	564	646
445	A joint resolution relative to the removal of the remains of the late Hon. Tilghman A. Howard, - - - - -	562	564	564	
346	An act to incorporate the city of Indianapolis, - - - - -	562	602	603	
293	An act to repeal a certain law therein named, so far as relates to the county of Washington, - - - - -	563	565	565	
309	An act amendatory to the 130th chapter of the Revised Statutes of 1843, - - - - -	563			
451	A joint resolution legalizing the act of Benjamin A. Allison, administrator of the estate of Amasa Jocelin, late of Owen county, deceased, - - - - -	563	564	564	
455	An act to abolish the office of school commissioner of Sullivan county, - - - - -	563	600	600	
456	An act to legalize the official acts of Solomon M. Semans, a justice of the peace of Randolph county, - - - - -	563	564	564	
464	An act to repeal local laws on the subject of roads in the county of Lawrence, - - - - -	563			
449	An act for the relief of William Smith, - - - - -	564	564	564	

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

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Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
463	An act to incorporate the Terre Haute and Richmond Railroad Company, - - - - -	564	564	564	
462	An act to authorize the commissioner of the reserve townships of College lands to make a deed to certain lots therein named, - - - - -	564	564	564	
452	An act to incorporate the Greensburgh and Napoleon turnpike company, - - - - -	564	566	566	
334	An act authorizing the Governor to contract for the completion of the State Prison, - - - - -	589	589	589	
358	An act to quiet the titles in Clark's grant, - - - - -	589		589	
497	An act making specific appropriations for the year 1847, - - - - -	591		617	
496	An act to repeal a certain law so far as St. Joseph county is concerned, - - - - -	593		593	
481	An act in relation to the Seminary of the county of Madison, - - - - -	593		636	
410	An act to regulate the practice in cases of impeachment, - - - - -	593		636	
459	An act to amend the charter of the town of Delphi, - - - - -	593		636	
434	A joint resolution relative to the public printing, - - - - -	593		636	

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461	An act for the relief of John Williams of the county of Washington, - - - - -	593		636	
460	An act in relation to road tax in the county of Grant, - - - - -	593		636	
458	An act to repeal an act for the relief of the citizens of district number three, in Congressional township number twenty-eight north, of range three east, in Adams township, Cass county, - - - - -	593		619	
91 447	An act to incorporate the town of Williamsburgh, Wayne county, Indiana, - - - - -	594	596	596	
443	An act for the improvement of a certain road in the counties of Delaware, Blackford, Wells, and Hunting-ton, - - - - -	594		634	
442	An act to authorize the commissioners of Wells county to build a bridge, - - - - -	594		636	
473	An act regulating the giving of notice in a certain suit in the Wayne circuit court, - - - - -	594		636	
437	An act to abolish the office of county auditor in the county of Sullivan, - - - - -	594		636	
402	An act for the relief of the estate of William N. Hood, deceased, - - - - -	594	619	619	
381	A joint resolution in relation to the "School Friend" newspaper, - - - - -	594			
404	An act to repeal an act relative to performing labor on roads and highways in Orange county, - - - - -	594		636	
405	An act to extend the time of payment of interest of certain funds therein named, - - - - -	594		636	
407	An act legalizing the election of certain justices of the peace in Clark county, - - - - -	594		636	

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

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<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
408	An act to amend the law now in force regulating the granting of license to tavern keepers, so far as the county of Fountain is concerned, - - - - -	594			
466	An act to authorize the commissioners of the sinking fund to receive a substitution of stock mortgaged, and for other purposes, - - - - -	594		638	
465	An act giving power to commissioners of sinking fund in certain cases, - - - - -	594		636	
330	An act to incorporate the Jefferson Manufacturing Company, - - - - -	594		636	
426	An act to provide for the election of an additional justice of the peace in Jackson township, Wayne county, - - - - -	594		569	
483	An act to provide for the applying of the three per cent. fund due the county of Ripley, to the improvement of certain roads therein named, - - - - -	594		619	
411	An act to locate a State road in Cass and Pulaski counties, - - - - -	594			
432	An act to provide for the sale of school section in township twenty-five north, range two east, for the term of ninety-nine years, - - - - -	594	619	619	

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430	An act to provide for the settlement of accounts of commissioners appointed to expend a portion of the three per cent. fund, in the county of Orange, - - - - -	594		596	
412	An act to locate a State road in Hamilton county, - - - - -	594		596	
429	An act changing the time of holding the probate court of Jefferson county, - - - - -	594			
425	An act for the relief of the First Regular Baptist Church of Logansport, - - - - -	594			
413	An act to provide for the location and survey of a State road in the county of St. Joseph, - - - - -	595		596	
416	An act for the relief of James Boyer of Clark county, - - - - -	595		596	
424	An act to establish a free turnpike road in the counties of Allen, Whitley, Kosciusko, and Marshall, - - - - -	595		596	
418	An act to establish public highways in the county of Boone, - - - - -	595		596	
422	An act allowing John Briggs a certain sum for his attendance as a witness in the Johnson impeachment case, - - - - -	595		596	
419	An act to change the name of the town of New York in Switzerland county, - - - - -	595	596	610	
421	An act to authorize the loaning of university or college funds to the State, - - - - -	595		596	
401	An act to authorize the auditor of Harrison county to make a deed therein named, - - - - -	595		596	
398	An act to authorize Michael English to build a mill dam across the Salamanca river, in Wabash county, - - - - -	595		596	
400	An act relative to the seminary fund in Laporte county, - - - - -	595		596	
397	An act to change the name of Ann Amanda Woodward, - - - - -	595		596	

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

720

Number.	SUBSTANCE OF TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
394	An act to authorize the trustees of school district number five, in township thirty-seven, range three east, in St. Joseph county, to levy a tax to build a school house, -	595		596	
192	An act authorizing deeds in certain cases to be made, -	595		638	
331	An act to incorporate the Covington Draw Bridge Company, - - - - -	595		596	
387	An act to amend an act for the relief of the securities of William H. Darnall, late school commissioner of Hendricks county, - - - - -	595		596	
388	An act to authorize the county commissioners of Noble county to make an allowance to the treasurer of said county for collecting road tax, - - - - -	595		596	
390	An act in relation to the attendance of grand jurors for Hendricks, Hamilton, and Hancock counties, - - -	595		596	
369	An act to amend the charter of the New Albany and Corydon turnpike company, - - - - -	595		596	
374	An act declaring Little Blue river a public highway, in Rush county, - - - - -	595		596	

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378	An act relative to the board of county commissioners of Elkhart county, - - - - -	595		596	
380	An act to raise a revenue for State purposes for 1847, -	595		607	
385	An act to amend the charter of the town of Connersville, -	596		596	
386	A joint resolution relative to Mr. Whitney's railroad, -	596		596	
468	An act to constitute Carlisle and vicinity a road district, - - - - -	596	596	596	
469	An act for the relief of the treasurer of Johnson county, -	596		596	
472	A joint resolution in relation to the Buffalo and Mississippi railroad, - - - - -	596		596	
463	An act for the relief of Andrew Wilson, - - - - -	596		596	
474	An act relative to the election of Mayor and common council of the town of Delphi, - - - - -	596		596	
484	An act authorizing suits to be commenced in Knox circuit court, - - - - -	596	596	596	
482	An act to authorize the clerk of circuit and probate courts of Lawrence county to use new seals, - - - - -	596		596	
480	An act relative to the town of Milford, - - - - -	596		596	
403	An act to amend the charter of Eel River Seminary Society, - - - - -	596		619	
511	- - - - -	619	619	619	
450	An act making general appropriations for the year 1847, -	621		621	
508	An act for the relief of the administrators of the estate of Enoch Barlow, late of Hendricks county, - - - - -	632		636	
513	A joint resolution relative to international literary exchanges, - - - - -	632		635	
515	An act for the location of a State road in the counties of Dubois and Martin, - - - - -	632		635	

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

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<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>
516	An act to require the General Superintendent of the Wabash and Erie canal to give credit in certain cases, -	633		636	
517	An act to allow persons to go to mill on the St. Joseph Feeder with canoes free of toll, -	633		636	
415	An act to amend certain laws therein named, -	633		647	
518	A joint resolution in relation to the pay of the Adjutant General, -	633			
509	An act for the vacation of certain streets in the town of Wellington, -	634	636	636	
510	A joint resolution relative to the benevolent institutions of the State, -	634		636	
389	An act for the relief of John Zulauf, -	634		636	
511	An act relative to the charter of the Mount Carmel and New Albany Railroad Company, -	634		636	
88	An act fixing the salary of the auditor of Miami county, -	634		637	
431	An act regulating the sale of ardent spirits in Randolph county, -	634		636	
439	An act for the relief of Carey L. Goodrich, -	634		636	

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454	An act to extend the jurisdiction of justices of the peace in the county of Fayette, -	634		636	
457	An act relative to the siting of the circuit and probate courts of the county of Marion, -	634	636	636	
441	An act for the relief of John Carter, -	634		636	
450	An act making general appropriations for the year 1847, -	634			
486	A joint resolution relative to the extension of slavery, -	634			
498	An act to establish a State road in White and Tippecanoe counties, -	634		636	
500	An act to incorporate the town of Greenfield in Hancock county, -	634		636	
505	An act to establish a State road in the counties of Allen and DeKalk, -	634		636	
501	An act for the benefit of citizens owning farms through which the Wabash and Erie canal passes, -	634		636	
502	An act fixing the time of holding the May and November terms of the Grant probate court, -	634		636	
504	An act levying additional road tax on lands in the county of Allen, -	634		636	
436	An act for the relief of the sufferers by the late flood, -	634			
499	An act to incorporate the Blue River and Sugar Creek Bridge Company, -	635		636	
523	An act to authorize the board of commissioners of Monroe county to levy a tax for the construction of bridges in said county, -	643		644	
519	An act to prevent members of the General Assembly from abandoning their seats, -	644		646	
257	An act to incorporate the Columbus Bridge Company, -	647		647	648

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—Continued.

<i>Number.</i>	<i>SUBSTANCE OF TITLE.</i>	<i>Reported from House.</i>	<i>Proceedings before passage.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>
479	An act to provide for the election of township assessors in the county of Brown, - - - - -	647		647	648
375	An act to prevent the spread of Canada thistles, - - - - -	647	674	647	648
493	An act to incorporate the Brazil Manufacturing Company, - - - - -	647		647	648
287	- - - - -	647		647	648
233	- - - - -	648		648	648
491	An act for the relief of Mary A. Johnson, - - - - -	648		648	648
448	An act to amend an act to incorporate the Lagrange Phalanx, - - - - -	648		648	648
427	An act relative to the school funds in Dearborn county, - - - - -	648			
471	An act for the relief of Alpha Buckley of Miami county, - - - - -	648			
438	An act to revive the charter of the Lafayette Insurance Company, - - - - -	648			
492	An act for the relief of Elias Murray, - - - - -	648			
494	An act to prevent stock from running at large, - - - - -	648			
476	An act for the suppression of obscene books, - - - - -	649			
488	An act to amend the charter of the Madison and Napoleon Turnpike Company, - - - - -	649			

435	An act for the relief of Robert Earl, - - - - -	649		636	
471	- - - - -	636	636	636	
444	- - - - -	636	636	636	
476	- - - - -	636	636	636	
496	- - - - -	636	636	636	

D**DOOR-KEEPER.**

David Miller elected and sworn into office, - - - 10

DEATHS.

Hon. Abraham Cuppy, - - - - - 497

E**ELECTIONS.**

Samuel Hannah elected Treasurer of State, - - - 70
 Douglas Maguire elected Auditor of State, - - - 71
 William Dailey elected Director of State Bank of Indiana, - 144
 James Sweetser elected Director of State Bank of Indiana, 200
 Horace P. Biddle elected Judge of the eighth judicial circuit, 68
 George H. Dunn elected President Judge of the thirteenth
 judicial circuit, - - - - - 533
 John D. Defrees elected State Printer, - - - 534

G**GOVERNOR.**

Annual Message of, - - - - - 15
 Inaugural Address of, - - - - - 30
 Communication relative to the amendments to the State debt
 bill, - - - - - 182
 Appoints James M. Hanna Private Secretary, - - - 55
 Nominates to the Senate Samuel E. Perkins, for Supreme
 Judge, - - - - - 219
 Veto message on House bill No. 153, - - - - - 447
 Veto message on Senate bill No. 127, - - - - - 449
 Nominates to the Senate Thomas L. Smith, for Supreme
 Judge, - - - - - 546, 620

J**JUDGES.**

Horace P. Biddle elected Judge of the eighth judicial circuit, 68

Samuel E. Perkins nominated and confirmed as one of the
 Supreme Judges of the State of Indiana, - - - 220
 George H. Dunn elected Judge of the thirteenth judicial cir-
 cuit, - - - - - 533

M**MESSAGES FROM THE HOUSE OF REPRESENTATIVES.**

By Mr. Ward, 11, 12, 13, 14, 24, 26, 27, 35, 40, 48, 58, 62, 67, 70,
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RESOLUTIONS OF THE SENATE.

SUBJECT MATTER OF.

	Introduced.	Mover's Name.	Other proceedings.	Adopted.
To inform the House of Representatives of the organization of the Senate, - - - - -	10	Mr. Hamrick,	10	10
In relation to taking Newspapers, - - - - -	10	Holloway,	10	10
In relation to the standing rules, - - - - -	11	Berry of Monroe,	11	11
Directing Public Printer to furnish copies of standing rules and order of business, - - - - -	11	Parks,	11	11
To direct the Door-keeper to furnish the Senate with laws and journals, - - - - -	11	Logan,	11	11
In relation to adopting joint rules of last session, - - - - -	11	Hamrick,	11	11
To wait upon the Governor, resolution of the House of Representatives reciprocated, - - - - -	12	Logan,	12	12
In relation to railing around Senate Chamber, - - - - -	13	Orth,	13	13
In relation to Newspapers, - - - - -	13	Holloway,	13, 26	26
Counting votes for Governor and Lieutenant Governor reciprocated, - - - - -	14	Berry of Monroe,	14	14
To print fifteen hundred copies of Governor's Message, - - - - -	26	Miller,	26	26
To reciprocate resolution of the House of Representatives, informing the Gov. and Lieut. Gov. of their election, - - - - -	26	Howell,	26	26

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Printing Governor's Message in German, - - - - -
 One additional standing committee on Benevolent Institutions, - - - - -
 In relation to a change of the probate system, - - - - -
 In relation to repealing the valuation and appraisement laws, - - - - -
 In relation to the surrogate system, - - - - -
 In relation to the sale of school lands, - - - - -
 In relation to reorganizing the Militia, - - - - -
 In relation to letting Public Printing to lowest bidder, - - - - -
 In relation to the Michigan Road, - - - - -
 In relation to the time of electing the Auditor and Treasurer of State, - - - - -
 In relation to revising the act to organize the Militia, - - - - -
 In relation to the duties of soldiers and officers of the Militia, - - - - -
 In relation to the appraisement laws, - - - - -
 In relation to the time of electing the President Judge of the eighth judicial circuit, - - - - -
 In relation to the Legislature granting divorces, where the Courts have jurisdiction, - - - - -
 In relation to supervisors keeping in repair private roads, - - - - -
 In relation to revising the common school law, - - - - -
 In relation to a new judicial circuit, - - - - -
 In relation to balances due administrators, executors, and guardians, of non residents, - - - - -
 In relation to the surplus water in the Wabash and Erie Canal, at Americus, - - - - -

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35	35	Parks,	35
41	41	Verbriek,	41
43	43	Orth,	43
43	44	Milliken,	44
44	44	Clements,	44
46	47	Zenor,	47
47	47	Berry of Franklin,	47
49	49	Robinson,	49
49	49	Edmonston,	49
50	50	Logan,	50
50	50	Miller,	50
50	50	Murphey,	50
50	50	Marsh,	50
51	51	Stewart,	51
51	51	Milliken,	51
51	51	Handy,	51
55	55	Robinson,	55
58	58	Berry of Franklin,	58
		Orth,	

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RESOLUTIONS OF THE SENATE—Continued.

SUBJECT MATTER OF.	Introduced.	Mover's Name.	Other proceedings.	Adopted.
In relation to exempting the property of the Indiana volunteers from taxation, - - - - -	58	Mr. Hamrick,	59	59
In relation to selling the northern division of the Central Canal, - - - - -	59	Handy,	59	59
Against the Militia law, - - - - -	59	Verbriek,	59	59
On the Governor's Message, in committee of the whole Senate, - - - - -	63		63	63
In relation to the committee on military affairs having a clerk, - - - - -	69	Logan,		
To revise the thirteenth chapter of the Revised Code, - - - - -	69	Clements,	69	69
In relation to the price of State Printing, - - - - -	75	Davis,	75	75
In regard to arresting absconding debtors, - - - - -	75	Beard,	75	75
In relation to the value of lands taken for internal improvement, - - - - -	75	Verbriek,	75	75
In relation to parties to suits, - - - - -	75	Clements,	75	75
In regard to calling in the six per cent. Treasury Notes, Agent of State to furnish a copy of the award in favor of Joel B. Cahoon, - - - - -	75	Logan,	75	75
	77	Davis,	77	77

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In relation to changing the law on divorces, - - - - -	81	Hamer,	81	81
To inquire into the cause of the discharge of Mrs. Johnson, from the Deaf and Dumb Institution, - - - - -	81	Edmonston,	81	81
On the subject of compensating judges, clerks, and inspectors of elections, - - - - -	81	Berry of Monroe,	81	81
On the subject of education, - - - - -	81	Allison,	81	81
In relation to the school fund, - - - - -	82	Green,	82	82
In relation to assigning breaches in a declaration, - - - - -	82	Clements,	82	82
To go into the election of Bank Director, - - - - -	95	Edmonston,	95	95
Authorising the Secretary of the Senate to employ assistants, Requesting the Governor to lay before the Senate the circular of the Treasury of the United States, - - - - -	95	Coffin,	95	95
In relation to making seduction a criminal offence, - - - - -	95	Murphey,	95	95
For information from the Governor, with regard to joint resolution on the subject of the reservoir, in Mercer county, Ohio, - - - - -	95	Morgan,	95	95
On the subject of weights and measures, - - - - -	96	Milligan,	96	96
In relation to smoke in Senate Chamber, - - - - -	96	Zenor,	96	96
In relation to the death of the Hon. Samuel Bigger, - - - - -	97	Handy,	97	97
In relation to abolishing Probate Judges, - - - - -	100	Orth,	100	100
In relation to the vote given for Governor in each county in the State, and the number of votes for and against a convention in said counties, - - - - -	104	Orth,	1	
Declaring it inexpedient to change the probate system, - - - - -	106	Stewart,	106	106
In relation to repealing the appraisement laws, - - - - -	106	Davis,		
Declaring it inexpedient to change the probate system, and discharging the judiciary committee from any further consideration of the subject, - - - - -	106	Miller,	106	106
	107	Orth,	107	107

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RESOLUTIONS OF THE SENATE—Continued.

SUBJECT MATTER OF.		Introduced.	Movers' Names.	Other proceedings.	Adopted.
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Fixing the time of adjournment,		121	English,	121	121
In relation to abolishing the office of State Agent,		121	Hamrick,	121	121
On the subject of the funds of school districts,		121	Hardin,	121	121
In relation to the improvement of the east and west fork of White river,		121	Parks,	121	121
In relation to the water power at North Port on the Wash and Erie Canal,		121	Robinson,	121	121
In relation to the election of a general administrator for townships or counties,		121	Logan,	121	121
In relation to the qualification of school teachers,		137	Goodenow,	137	137
In relation to agriculture,		137	Bowers,	137	137
In relation to the insanity of county officers,		137	Hardin,	137	137
Discharging the committee on benevolent institutions from a further consideration of the discharge of the late matron of the Deaf and Dumb Asylum,		137	Hardin,	138	139

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Requesting the Governor to inform the Senate of the cause of the delay of laying the amendments to the State Debt bill before the Legislature,	139	Winchell,	140
On the subject of education,	148	Hardin,	148
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In relation to the report of the Trustees for the education of the Blind,	160	Holloway,	160
In relation to the completion of the New Albany and Vincennes road,	164	Ellis,	164
In relation to the adjournment of the Legislature,	165	Ellis,	173
In relation to the adjournment of the Senate,	173	Berry of Monroe,	173
In relation to collecting road tax,	173	Milliken,	173
On the subject of the school law,	173	Hardin,	173
On the reduction of fees of circuit and probate courts,	177	Ellis,	177
In relation to the time of the returns of the county treasurers to the State Treasury,	178	Miller,	178
In relation to a change in the probate system,	188	Stockwell,	188
In relation to taking out letters of administration in certain cases,	188	Clements,	188
In relation to the superintendent of common schools,	188	Allison,	189
In relation to working out road tax,	191	Montgomery,	191
In relation to confining voters to their respective townships,	209	Parks,	209
In relation to adjourning <i>sine die</i> ,	210	English,	212
On the subject of education,	216	Milligan,	216
In relation to railing around Senate Chamber,	216	Berry of Franklin,	216
In relation to extending the jurisdiction of justices of the peace,	216	Robinson,	216

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RESOLUTIONS OF THE SENATE—Continued.

SUBJECT MATTER OF.	Introduced.	Mover's Name.	Other proceedings.	744	
				Adopted.	
In relation to not levying poll tax on the Indiana volunteers,	216	Mr. Waters,	216	216	
In relation to officers having charge of the school, seminary, or any of the public funds in this State, to pay costs that may be adjudged against them, - - -	216	Stockwell,			
In relation to the Branch Bank at Michigan City, - -	222	Ellis,	222	222	
In relation to changing the <i>capias ad respondendum</i> law,	230	Milliken,	230	230	
On allowing the committee on the Funded Debt to employ a clerk, - - -	230	Marsh,	230	230	
Fixing the time for the election of State Printer, - -	230	Morgan,			
That the Senate will not hereafter entertain any report or joint resolution in relation to national matters, -	231	Clements,			
Declaring Dixon Milligan legally elected Senator, -	240	Rockhill,	240	240	
In relation to the adjournment of the Senate, -	247	Holloway,	247	247	
In relation to taking up the orders of the day, - -	259	Osborn,	259	259	
In relation to the petition of Martin Hauser, - -	263	Barbour,	263	263	
On inquiring into the expediency of compelling courts hereafter to commence their sessions on Tuesday instead of Monday, - - -	266	Howell,		267	

SUBJECT MATTER OF.	Introduced.	Mover's Name.	Other proceedings.	745	
				Adopted.	
That the judiciary committee inquire into the expediency of repealing the forty-eighth and forty-ninth sections of article second and chapter twenty-ninth of the Revised Statutes, - - -	276	Milliken,	276	276	
Granting leave of absence to Mr. Parks, - - -	295	Berry of Monroe,	295	295	
In relation to the regular order of business, - -	310	Miller,	310		
Requesting the House of Representatives to return the resolution of the Senate fixing the time of adjournment, - - -	311	Clements,	311		
Fixing the time for going into the election of State Printer, - - -	325	Hamrick,			
In relation to altering ninety-ninth section, fifth article, of the forty-eighth chapter of the Revised Statutes of 1843, - - -	327	Milligan,	327	327	
In relation to putting the northern division of the Central Canal in the State Debt bill, - - -	327	Jackson,	327	327	
In relation to adjourning, - - -	339	Milliken,			
In relation to extra pay to the Secretary of State for filling up military commissions, - - -	343	Howell,	343	343	
In relation to mutes attending the Deaf and Dumb Asylum free of tuition, - - -	343	Morgan,	343	343	
Requesting the House of Representatives to return Senate bill No. 158, - - -	344	Berry of Monroe,			
With regard to prosecutors for justices' courts, - -	350	Stewart,	350	351	
In relation to the debt of the Wabash College, - -	360	Verbrike,	360	360	
In relation to a State common school convention, - -	360	Handy,			
In relation to the suit against Doctor Coe, - - -	443	Henry,	360	360	
		Barbour,		443	

RESOLUTIONS OF THE SENATE—Continued.

SUBJECT MATTER OF

	Introduced.	Mover's Name.	Other proceedings.	Adopted.
In relation to the pay of the Hon. Heman H. Barbour, -	444	Mr. Davis,		444
In relation to repairing breach in the Central Canal, -	444	Verbrike,		444
In relation to compound interest taken by the Sinking Fund, -	465	Berry of Monroe,		465
In relation to transcripts on appeals from circuit and Supreme courts, -	465	Winchell,		465
In relation to peddlers in Dearborn county, -	470	Milliken,		460
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